

STATUTES
OF THE *River Valley*
STATE
OF
VERMONT;

REVISED AND ESTABLISHED

BY AUTHORITY,

IN THE YEAR M,DCC,LXXXVII,

Including those passed since that period until the session
of the assembly of said state, holden at Bennington in
January 1791.

LIKEWISE,

The several acts respecting sales by the SURVEYOR
GENERAL.

N. Vermont, State of Statutes.

Printed in BENNINGTON, VERMONT, in the year
M,DCC,XCI.

By ANTHONY HASWELL.

Jan. 26. H. Hubbard's bought May 26. 1818.



48.
12. 9.
191



T H E
C O N S T I T U T I O N
O F
V E R M O N T.

C H A P T E R I.

A declaration of the rights of the inhabitants of the state of Vermont.

1. **T**HAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights ; among which are the enjoying and defending life and liberty ; acquiring, possessing and protecting property ; and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twentyone years ; nor female in like manner, after she arrives to the age of eighteen years ; unless they are bound by their own consent after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs or the like.

2. That private property ought to be subservient to public uses, when necessity requires it ; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

3. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God ; and that no man ought, or of right can be compelled, to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience ; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship ; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner controul, the
rights

rights of conscience, in the free exercise of religious worship : nevertheless every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship which to them shall seem most agreeable to the revealed will of God.

4. Every person within this Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character : he ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay ; conformably to the laws.

5. That the people of this state, by their legal representatives, have the sole, exclusive, and inherent right, of governing and regulating the internal police of the same.

6. That all power being originally inherent in, and consequently derived from, the people : therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

7. That government is or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community ; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community : and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public wealth.

8. That those who are employed in the legislative and executive business of the state may be restrained from oppression, the people have a right, by their legal representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies in a constitutional manner, by regular elections, at such periods as they may think proper.

9. That all elections ought to be free and without corruption ; and that all freemen, having a sufficient common interest with, and attachment to the community, have a right to elect officers and be elected into office.

10. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service, when necessary, or an equivalent thereto ; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen : nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he pay such equivalent ; nor are the people bound by any law, but such as they have in like manner assented to

for their common good. And previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature to be of more service to the community, than the money would be if not collected.

11. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel,—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favor, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty: nor can he be compelled to give evidence against himself: nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

12. That the people have a right to hold themselves, their houses, papers, and possessions free from search or seizure; and therefore warrants without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his her or their property, not particularly described, are contrary to that right, and ought not to be granted.

13. That no warrant or writ to attach the person or estate of any freeholder within this state, shall be issued in civil actions, without the person or persons who may request such warrant or attachment first make oath, or affirm before the authority who may be requested to issue the same, that he or they are in danger of losing his, her, or their debt.

14. That when an issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to a trial by jury; which ought to be held sacred.

15. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government: and therefore the freedom of the press ought not to be restrained.

16. The freedom of deliberation, speech and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

17. The power of suspending laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

18. That the people have a right to bear arms for the defence of themselves and the state: and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up: and that the military should be kept under strict subordination to, and governed by the civil power.

19. That

19. That no person in this commonwealth can, in any case, be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

20. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free : The people ought therefore to pay particular attention to these points, in the choice of officers and representatives : and have a right, in a legal way, to exact a due and constant regard to them from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the state.

21. That all people have a natural and inherent right to emigrate from one state to another that will receive them ; or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness.

22. That the people have a right to assemble together to consult for their common good—to instruct their representatives—and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

23. That no person shall be liable to be transported out of this state, for trial for any offence committed within the same.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION I. **T**HE commonwealth or state of Vermont, shall be governed hereafter by a governor, (or lieutenant governor) council, and an assembly of the representatives of the freemen of the same, in manner and form following.

SECTION II. The supreme legislative power shall be vested in a house of representatives of the freemen or commonwealth or state of Vermont.

SECTION III. The supreme executive power shall be vested in a governor (or in his absence a lieutenant governor) and council.

SECTION IV. Courts of justice shall be maintained in every county in this state, and also in new counties when formed ; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption, or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state, and the several judges of the county courts in their respective counties, by virtue of their offices, (except in the trial of such causes as may be appealed to the county court.)

SECTION

SECTION V. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth. Provided they do not constitute themselves the judges of the said court.

SECTION VI. The legislative, executive and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

SECTION VII. In order that the freemen of this state might enjoy the benefit of election as equally as may be, each town within this state, that consists or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this state, may in like manner choose each one representative, to represent them in general assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.

SECTION VIII. The house of representatives of the freemen of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this state respectively, on the first Tuesday of September annually, forever.

SECTION IX. The representatives so chosen (a majority of whom shall constitute a quorum for transacting any other business than raising a state tax, for which two thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be stiled, *the general assembly of the state of Vermont*: they shall have power to choose their speaker, secretary of the state, their clerk and other necessary officers of the house—sit on their own adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to the constituents antecedent to their election: they may administer oaths or affirmations in matters depending before them—redress grievances—impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties: they may annually, in the first session after their election, and at other times when vacancies happen, choose delegates to congress: and shall also, in conjunction with the council, annually (or oftener if need be) elect judges of the supreme and several county and probate courts, sheriffs and justices of the peace; and also with the council, may elect major generals and brigadier generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the legislature of a free and sovereign state:—But they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

SECTION

SECTION X. The supreme executive council of this state, shall consist of a governor, lieutenant governor and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of the election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written, to the constable, who shall seal them up and write on them *votes for the governor*, and deliver them to the representative chosen to attend the general assembly; and at the opening of the general assembly there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing. And if there be no choice made, then the council and general assembly, by their joint ballot, shall make choice of a governor. The lieutenant governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve councillors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as councillors.

SECTION XI. The governor, and in his absence the lieutenant governor, with the council (a major part of whom including the governor or lieutenant governor, shall be a quorum to transact business) shall have power to commissionate all officers—and also to appoint officers, except where provision is, or shall be otherwise made, by law or this frame of government,—and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution. They are to correspond with other states,—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the supreme court. And shall have power to grant pardons and remit fines, in all cases whatsoever except in treason and murder, in which they shall have power to grant reprieves, but not to pardon until after the end of the next session of assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed, They are to expedite the execution of such measures as may be resolved upon by the general assembly. And they may draw upon the treasurer for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. They may grant such licences as shall be directed by law; and shall have power to call together the general assembly, when

when necessary, before the day to which they shall stand adjourned. The governor shall be captain general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only as long as they shall approve thereof: and the lieutenant governor shall, by virtue of his office, be lieutenant general of all the forces of the state. The governor or lieutenant governor, and the council, shall meet at the time and place with the general assembly: the lieutenant governor shall, during the presence of the commander in chief, vote and act as one of the council: and the governor, and in his absence the lieutenant governor, shall, by virtue of their offices, preside in council, and have a casting but no other vote. Every member of the council shall be a justice of the peace for the whole state by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings, wherein any councillor may enter his dissent, with his reasons to support it.

SECTION XII. The representatives having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe as well the oath or affirmation of allegiance herein after directed, (except where they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation, viz.

You — do solemnly swear (or affirm) that as a member of this assembly, you will not propose or assent to any bill, vote or resolution, which shall appear to you injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state; but will, in all things, conduct yourself as a faithful, honest representative and guardian of the people, according to the best of your judgment and abilities. (In case of an oath) so help you God. (And in case of an affirmation) under the pains and penalties of perjury.

And each member before he takes his seat shall make and subscribe the following declaration, viz.

You do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked. And you do acknowledge the scriptures of the old and new testament to be given by divine inspiration, and own and profess the protestant religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.

SECTION XIII. The doors of the house in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

SECTION XIV. The votes and proceedings of the general assembly shall be printed (when one third of the members think it necessary) as soon as conveniently may be after the end of each session

sion, with the yeas and nays on any question when required by any member (except where the votes shall be taken by ballot) in which case every member shall have a right to insert the reasons of his vote upon the minutes.

SECTION XV. The stile of the laws of this state in future to be passed, shall be, *It is hereby enacted by the general assembly of the state of Vermont.*

SECTION XVI. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the assembly shall be laid before the governor and council for their revision and concurrence or proposals of amendment; who shall return the same to the assembly with their proposals of amendment (if any) in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the legislature. Provided that if the governor and council shall neglect or refuse to return any such bill to the assembly with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

SECTION XVII. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

SECTION XVIII. Every man, of the full age of twenty one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behaviour, and will take the following oath (or affirmation) shall be entitled to all the privileges of a freeman of this state.

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.

SECTION XIX. The inhabitants of this commonwealth shall be trained and armed for its defence, under such regulations, restrictions and exceptions as the general assembly shall by law direct. The several companies of militia shall, as often as vacancies happen, elect their captains and other inferior officers; and the captains and subalterns shall nominate, and recommend the field officers of their respective regiments, who shall appoint their staff officers.

SECTION XX. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant governor, and attested by the secretary; which seal shall be kept by the council.

SECTION XXI. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office or after his resignation, or removal, for maladministration

administration. All impeachments shall be before the governor, or lieutenant governor and council, who shall hear and determine the same, and may award costs.

SECTION XXII. As every freeman, to preserve his independence, (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants; faction, contention, corruption and disorder, among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

SECTION XXIII. No person in this state, shall be capable of holding or exercising more than one of the following offices at the same time, viz. governor, lieutenant governor, judge of the supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor general, or sheriff.

SECTION XXIV. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums as shall be directed by the legislature.

SECTION XXV. The treasurer's accounts shall be annually audited, and a fair state thereof laid before the general assembly, at their session in October.

SECTION XXVI. Every officer, whether judicial, executive, or military, in authority under this state, before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this state, (unless he shall produce evidence that he has before taken the same) and also the following oath or affirmation of office (except such as shall be exempted by the legislature) viz.

The oath or affirmation of allegiance.—*You do solemnly swear, (or affirm) that you will be true and faithful to the state of Vermont; and that you will not directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury.*

The oath or affirmation of office. *You — — do solemnly swear,*

(or affirm) that you will faithfully execute the office of — for the — of — ; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) *so help you God.* (If an affirmation) *under the pains and penalties of perjury.*

SECTION XXVII. Any delegate to congress may be superseded at any time, by the general assembly appointing another in his stead. No man shall be capable of being a delegate to represent this state in congress for more than three years in any term of six years;—and no person who holds any office in the gift of congress, shall, during the time of his holding such office, be elected to represent this state in congress.

SECTION XXVIII. Trials of issues, proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.

SECTION XXIX. All prosecutions shall commence by the authority of the state of Vermont—all indictments shall conclude with these words, *against the peace and dignity of the state.* And all fines shall be proportionate to the offences.

SECTION XXX. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

SECTION XXXI. All elections, whether by the people, or in general assembly, shall be by ballot, free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall, directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

SECTION XXXII. All deeds and conveyances of land shall be recorded in the town clerk's office in their respective towns; and, for want thereof, in the county clerk's office of the same county.

SECTION XXXIII. The legislature shall regulate entails in such manner as to prevent perpetuities.

SECTION XXXIV. To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishment less necessary, means ought

ought to be provided for punishing by hard labour those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons : and all persons, at proper times, ought to be permitted to see them at their labour.

SECTION XXXV. The estates of such persons as may destroy their own lives, shall **not**, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

SECTION XXXVI. Every person, of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate ; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state, except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, councillor, or representative in assembly, until after two years residence.

SECTION XXXVII. The inhabitants of this state shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed ; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

SECTION XXXVIII. Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed : and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth ; and one or more grammar schools be incorporated, and properly supported, in each county in this state. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected, in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

SECTION XXXIX. The declaration of the political rights and privileges of the inhabitants of this state, is hereby declared to be a part of the constitution of this commonwealth ; and ought not to be violated on any pretence whatsoever,

SECTION XL. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and eightyfive, and on the last Wednesday

Wednesday in March in every seven years thereafter, *thirteen persons*, who shall be chosen in the same manner the council is chosen, except they shall not be out of the council or general assembly; to be called *the council of censors*; who shall meet together on the first wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which twothirds of the whole number elected shall agree: and whose duty it shall be to inquire, whether the constitution has been preserved inviolate in every part, during the last septenary (including the year of their service); and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the constitution—they are also to inquire, whether the public taxes have been justly laid and collected in all parts of this commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed.—For these purposes they shall have power to send for persons, papers and records: they shall have authority to pass public censures, to order impeachments—and to recommend to the legislature the repealing such laws as shall appear to them to have been enacted contrary to the principles of the constitution: These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective, explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of convention July 4th, 1786.

MOSES ROBINSON, president.

Attest, ELIJAH PAINE, secretary.

S T A T U T E S,
P A S S E D B Y
T H E L E G I S L A T U R E
O F T H E
S T A T E O F V E R M O N T.

An act relating to auditors and actions of account.

For the better regulating actions of account.

*Passed 8th
of March,
1787:*

BE it enacted by the general assembly of the state of Vermont, That when any defendant, in any action of account depending in any county court in this state, shall plead in his defence any plea (which being true he ought not to account) it shall be tried by a jury: and if a verdict be found against him, the court shall enter up judgment that he account: and in such case, and also where such judgment shall be given on confession, the court may appoint three able, judicious and indifferent men, auditors in the cause; who shall be sworn to hear, examine, and adjust the account or accounts: and the auditors appointed as aforesaid, are hereby authorized and empowered to fix a time and place for the hearing and adjusting the accounts aforesaid: and upon the defendant's refusal (due notice being given him of the time and place affixed) to attend upon them, and produce his accounts, the auditors shall award to the plaintiff the whole of his demands: and upon the parties producing to them their accounts, the auditors shall have power to administer an oath unto them, to answer such interrogatories as they shall think proper, respecting their accounts: and upon either of the parties refusal to take such oath or to answer directly to such interrogatories, it shall be in the power of the auditors to commit the party so refusing to goal, there to remain at his own charge, till he will account or answer as aforesaid.

*The county
courts may
appoint au-
ditors.*

*their duty
and power.*

And when the auditors have adjusted the accounts, or awarded as aforesaid, and returned the same to court (either at the same session or the next) that judgment shall be made up for the recovery of the sum awarded, and cost, without appeal or review; together with such reasonable costs for the service of the auditors as the court shall award; which shall be, by the party in whose fav-

*Judgment
to be rend'd
for the sum
awarded,
and costs.*

or

or the case is determined; then paid down to the auditors, and shall be allowed him in his bill of cost.

Proviso,

Provided, That nothing herein contained shall be construed to prevent the appeal of either plaintiff or defendant, from a judgment rendered on a verdict of a jury.

The like proceedings to be in actions on book accounts.

That in all actions brought on book accounts, and depending before any county or supreme court, the like method may be taken in appointing auditors for the adjustment of accounts between the parties; and the court shall enter up judgment for the recovery of such sum or sums as shall be found to be in arrear by either party, with additional costs as aforesaid; and no person shall be allowed his oath, touching the merits of the cause in question, untill judgment to account shall be given in such action, either after verdict or on confession. And in all actions on book accounts, the original book shall be produced in court, as well as before auditors appointed as aforesaid; and no account shall be allowed upon the parties oaths, unless such original book be produced as aforesaid, except it shall appear that the same was providentially lost.

The original book to be produced.

Proviso.

Provided always, That the plaintiff or defendant not residing in this state, a sworn copy of the original entry on book, of such non-resident, shall be allowed instead of the original entry.

Justice's power to audit accounts.

Be it further enacted by the authority aforesaid, That justices of the peace shall have the same power in actions of account on book, as is in this act given to the county courts, except that they shall have no power to appoint auditors, but shall after judgment or decree that the defendant account, proceed in person to audit such accounts.

March 8th 1787. Proviso.

An act against adultery, polygamy and fornication.

WHEREAS the violation of the marriage covenant is contrary to the command of God, and destructive to the peace of families:

Punishment of a person found in bed with another's wife, &c.

BE it therefore enacted by the general assembly of the State of Vermont. That if any man be found in bed with another man's wife, or woman with another's husband, the persons so offending, being thereof convicted before the supreme court, shall be severely whipped on the naked body, not exceeding thirtynine stripes, unless it shall appear upon trial, that it was involuntary in one of the parties; in which case no punishment shall be inflicted on the party not consenting. And

And if any person shall commit adultery, and be thereof convicted before the supreme court, he, she, or they, shall be set upon the gallows, for the space of an hour, with a rope or ropes about his, her, or their neck or necks, and the other end cast over the gallows; and also shall be severely whipped on the naked body, not exceeding thirtynine stripes; and shall from the expiration of twentyfour hours after such conviction, during their abode in this state, wear a capital A of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to their clothes, and sewed upon the upper garment, on the outside of their arm, or on their back, in open view. And if any person or persons, having been convicted and sentenced for such offence, shall, at any time, be found without their letter so worn, during their abode in this state, he or they shall, by warrant from any justice of the peace, be forthwith apprehended and publicly whipped, not exceeding ten stripes; and so from time to time *toties quoties*.

*Punishm't
of adultery.*

That if any man or woman, who have been, or shall hereafter be, divorced according to law, or where their marriage has been or shall be declared null and void, shall cohabit or converse together as man and wife, and be thereof convicted as aforesaid, every such person shall suffer the like pains and penalties as are above mentioned.

*Punishm't
for divorced
persons co-
habiting to-
gether.*

Be it further enacted by the authority aforesaid, That if any person or persons in this state, being married, or who shall hereafter marry, do at any time presume to marry any other person, the former or other husband or wife being alive, or shall continue to live together so married, that then every such offender shall suffer and be punished as in case of adultery; and such marriage shall be, and hereby is declared to be null and void: which offenders shall be tried in the county where they shall be apprehended.

*Punishm't
of polygamy*

Always provided, That this act, or any thing therein contained, shall not extend to any person or persons whose husband or wife shall be continually remaining beyond the seas, by the space of seven years together; or whose husband or wife shall absent him or herself the one from the other, by the space of seven years together, in any part of this or the united states of America, or elsewhere, the one of them not knowing the other to be living within that time.

Provido.

C

Provided

Proviso.

Provided also, That this act shall not extend to any person or persons whose husband or wife has lately, or shall hereafter, go to sea in any vessel, bound from one port to another, where the passage is usually made in three months time, and such vessel has not been or shall not be heard of, within the space of three full years next after their putting to sea from such port; or shall only be heard of under such circumstances as may rather confirm the opinion, commonly received, of the whole company's being utterly lost. But in every such case, the matter being represented to the supreme court, and made so to appear, the person whose husband or wife is, or shall be, in this manner, parted from her or him, may be esteemed and declared single and unmarried; and upon such declaration thereof, and liberty obtained from the said supreme court, may lawfully marry again. Any thing in this act to the contrary notwithstanding.

Proviso.

Provided also, That this act, so far as the same relates to polygamy, shall not extend to any person or persons, that are, or shall be, at the time of such marriage, divorced, by any sentence had, or hereafter to be had, agreeably to law; nor to any person or persons, where the former marriage has been, or shall hereafter by such sentence be, declared to be void, and of none effect; nor to any person or persons, for or by reason of any former marriage had or made, or hereafter to be had or made, within the age of consent, that is to say, the man fourteen years of age and the woman twelve.

*Punishm't
for fornication.*

And be it further enacted by the authority aforesaid, That every person who shall commit fornication within this state and be duly convicted thereof, before any county court in this state, before the intermarriage of such persons offending, shall pay a fine not exceeding four pounds, to the treasury of the county where such conviction shall be had; and if unable to pay the same, he or she shall be assigned in service by the court before whom conviction shall be had.

Provided, That such prosecution shall be commenced within three months after the offence committed.

*Passed 8th
March,
1787.*

An act for the appointment and regulating of attornies and pleadings at the bar.

BE it enacted by the general assembly of the state of Vermont, That the supreme and county courts in this state shall appoint, and they are hereby empowered

to nominate and appoint attorneys, as there shall be occasion, to plead at the bar; which attorneys shall, before the court appointing them, take the following oath, viz.

*Court to
appoint at-
tornies.*

You swear by the ever-living God, that you will do no falsehood, nor consent to any to be done, in the court; and if you know of any to be done in the court, you shall give knowledge thereof to the justices or judges of said court, that the same may be reformed. You shall not wittingly and willingly, or knowingly, promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same. You shall demean yourself in the office of an attorney within the court, according to your best learning and discretion: and with all good fidelity, as well to the court, as to the client. So help you God,

Their oath.

The administering and taking of which oath, together with the appointment of any attorney, shall be registered by the clerk of the court wherein he shall be admitted, and shall be a sufficient evidence of his admission as an attorney at the bar, in any court in this state.

*To be regis-
tered.*

Provided always, That the supreme court of judicature in this state, shall hereafter have the exclusive right of appointing and admitting attorneys to plead at their bar; and no attorney, who shall be admitted to plead in the county courts, as aforesaid, (except the several state attorneys) shall thereby be authorized or empowered to plead in the supreme court, without permission or licence first obtained from the supreme court.

Proviso.

And be it further enacted by the authority aforesaid, That in each county in this state, there shall be one state's attorney, who shall prosecute, manage, and plead, in the county wherein he is appointed, in all matters proper for, and in behalf of, this state; which attorney shall be appointed by the respective county courts, and shall have a right to plead, in behalf of the state, as well in the supreme as county court, in the county where he is appointed: and the several attorneys, who shall be allowed and appointed as aforesaid, shall, from time to time, be under the direction of the courts before whom they plead; and the several courts shall have power to suspend or displace any of their attorneys, for misdemeanors, or fine them not exceeding ten pounds, for each offence.

*State's at-
torney.*

*Attorneys to
be under
courts di-
rection.*

And that persons allowed as attorneys may be duly qualified to practice,

Preamble.

*Attorneys
how quali-
fied.*

Be it further enacted by the authority aforesaid, That no person shall hereafter be licenced, by either of the courts above mentioned, to practice the law in this state, without such person applying shall have previously studied at least three years with a licenced attorney of this state, and, upon examination by the said court, shall be found to have a competent knowledge of the laws ; or unless the person applying for licence shall have obtained a degree of batchelor of arts, in some university or college, and have studied at least two years with a licenced attorney of this state, and upon examination by the said court, shall be found to have a competent knowledge of the laws for that purpose.

*Passed Feb
27, 1787.*

Preamble.

An act for regulating and auditing the public accounts.
*For preventing of inconveniencies in the public accounts,
and that no arrears in the state accounts be standing
out after the year be expired :*

*Auditors to
be appoint-
ed.*

BE it enacted by the general assembly of the state of Vermont, That proper persons shall, by the general assembly, be appointed annually, in October, to make up and audit the state's accounts with the treasurer of the state; which accounts shall be audited and perfected before the next annual sitting of the general assembly. And all persons who shall be appointed to audit said accounts, shall, before their entering upon that service, take an oath for the faithful performance of their trust. That the treasurer shall make himself debtor for the several sums due from every of the towns in this state, and all monies paid into the treasury, and also for all fines belonging to the state treasury, which shall come to his knowledge ; and give himself credit for the several payments and abatements made, (according to law) until he shall balance the state accounts as aforesaid : and this the said treasurer shall do annually, on the penalty of one hundred pounds, to be forfeited to the public treasury, for every month after such session annually, that he shall neglect to make up and perfect said accounts ; to be sued for and recovered by the secretary of the state, to and for the use of the state by virtue of directions to be given him by the auditors.

And sworn

*Treasurer
to make
himself dr.
&c.*

*Penalty for
omission.*

*Clerk of
the supreme
court to
account for
fines, &c.*

And be it further enacted by the authority aforesaid, That the clerk of the supreme court shall annually give an account to the treasurer of the state, of all the fines due to the public treasury, and from whom payable, that the same may be collected and disposed of for the use.

use of the state; and shall also transmit a copy thereof, at the same time, to the auditors of public accounts.

An act against barratty and common barrators.

*Passed Feb.
27, 1787.*

BE it enacted by the general assembly of the state of Vermont, That if any person shall be proved and adjudged a common barrator, vexing others by promoting unjust, frequent, and needless suits, he shall pay a fine of ten pounds to the treasury of the county, by order of the court before whom he shall be convicted; and before the same court shall become bound, with two sureties, one for his good behaviour, (for one year at least) or on refusal, shall be committed to prison, there to remain for said time, or until he find sureties as aforesaid. And the court before whom any such vexatious suit shall be brought, may, and is hereby empowered, to reject such suit, giving cost to the adverse party.

*Fine for
barratty.*

*Vexatious
suits may be
rejected.*

An act concerning bastards and bastardy

*Passed Feb.
27, 1787.*

BE it enacted by the general assembly of the state of Vermont, That he who is accused by any woman of being the father of a bastard child, begotten of her body, she continuing constant in such accusation, being examined upon oath, and put to the discovery of the truth in the time of her travail, shall be adjudged the reputed father of such child, notwithstanding his denial thereof; and shall stand charged with the maintenance thereof, with the assistance of the mother, as the county court in that county where such child is born shall order; and give security to perform such order, and also to save the town or place where such child is born, free from charge for its maintenance. And said court may commit to prison such reputed father, until he find sureties for the same, unless the pleas, proofs, and evidence, made and produced on the part of the man, and other circumstances, be such, that the court, having cognizance of the same, shall see reason to adjudge him innocent; in which case they shall and may otherwise, dispose of such child. And every justice of the peace, at his discretion, may bind to the next county court, him that is charged with begetting such bastard child; and if the woman be not then delivered, said court may order the continuance or removal of the bond, that he may be forthcoming when such child is born.

*Persons ac-
cused to be
accountable
unless ac-
quitted by
the court.*

*Accused
persons to be
bound over.*

And be it further enacted by the authority aforesaid,

That

*Selectmen
may prose-
cute for the
maintain-
ance of the
child.*

That whenever the woman shall neglect to prosecute for the maintenance of her bastard child, the selectmen of any town interested in the support of such child, where sufficient security shall not be offered to save said town from all charge and expence of maintaining the same, may bring forward a suit, in behalf of such town, against him who shall be accused of begetting such child; and may also take up and pursue any suit begun by the mother of such child, for the maintenance thereof, in case she shall fail to prosecute the same to final judgment.

*Passed 3d
of March.
Preamble.*

An act for marking and branding cattle and sheep,
*TO prevent disputes and differences that may arise
in the owning and claiming of cattle and sheep,
that may be lost or stray away.*

*Cattle and
sheep may be
ear marked
or branded.*

BE it enacted by the general assembly of the state of Vermont, That all the owners of any cattle or sheep, within this state, may ear mark or brand all their cattle and sheep, and cause their several marks or brands to be registered in the town book.

*Penalty for
altering the
mark.*

And if any person or persons shall alter, cut out, or deface, the mark or brand of any such cattle or sheep, not being the proper owner thereof, or without the leave of the owner, he or they, so offending, and being duly convicted thereof before any court proper to try the same, shall forfeit treble the value of the cattle or sheep whose mark or brand shall be so altered, cut out, or defaced; one half to him or them who shall prosecute the same to effect, and the other half to the treasury of the county where the offence shall be committed, if the prosecution shall be in the county court; and to the treasury of the town where the offence shall be committed, if the prosecution be before a justice of the peace.

*Passed
March 10,
1787.*

An act for regulating processes and proceedings in civil causes.

Preamble.

SINCE without regularity, which is the beauty, and ought to be the tenor of every proceeding, it is not to be expected that any thing can be happily accomplished; much less that the various actions and pleas that may arise among the good people of this state, may be issued and determined with precision and justice. Therefore, that our system of jurisprudence may most effectually answer the beneficial purposes for which it was designed:

BE

BE it enacted by the general assembly of the state of Vermont, That the ordinary mode of process in civil causes, in the several courts of judicature within this state, shall be by summons or attachment, and according to the form provided by law. And every process to be commenced before any county court within this state, shall be signed by a judge or clerk of the county court before which the cause is to be tried, or by a justice of the peace of the same county. And all writs and processess triable in the supreme court, and therein originally commenced, shall be signed by a judge of the same. And all writs, signed by a judge or clerk of the county court, as aforesaid, as well original as judicial, shall run into any county or place within this state, and be there executed by any officers to whom directed.

Civil process, to be by summons or attachment

By whom signed.

The extent of them.

And all original writs, returnable in either of said courts, shall mention the court, time and place of appearance, and contain a declaration, setting forth the cause of the action, according to due form of law, And all writs and processess, issued as aforesaid, shall be directed to the sheriff, his deputy, or some constable of the town where the service is to be made, except where both sheriff and constable are parties, or interested, in which case the writ may be directed to, and the service done by, any constable within the county: and in case no such officer can be seasonably had, the writ may be directed to an indifferent person, being named, and shall be served, in all cases, twelve days, at least, before the time of sitting of the court to which it is returnable including the day of service: and that no writ, in a civil cause, shall be made returnable at any adjourned county court.

To contain a declaration. To whom to be directed.

When to be served.

And be it further enacted by the authority aforesaid, That all writs of summons shall be served by reading the same to the defendant, or by leaving an attested copy thereof at his or her last and usual place of abode. And that when the goods or estate of any person shall be attached at the suit of another, a copy of said attachment, and a list of the articles attached, attested by the officer serving the same, shall be delivered to the party whose goods or estate are attached, or left at his or her dwelling house, or last and usual place of abode. And if the person, whose estate is attached, is not an inhabitant of this state, then such copy shall be left with his or her tenant, agent, or attorney, if any be known, or, for want thereof, at the place where such estate

How to be served.

estate was attached; and the serving thereof shall be certified by a sworn officer who executed the attachment, or by the affidavit of some disinterested person who delivered the same.

When attachment may be granted. And be it further enacted by the authority aforesaid, that no attachment shall be granted against any person who is a freeholder and inhabitant of this state, until the person requesting the same shall make oath, or affirm, before the authority to whom application shall be made, that he is in danger of losing the matter in demand, and also give sufficient security to prosecute his action to effect, and answer all damages if he shall not support it: and in such case attachment may be granted against the goods or estate of the defendant, and for want thereof, against his body. And when any person, authorized as aforesaid to sign writs, shall issue a replevin, which he is hereby empowered to do, (except to replevy the debtor's goods or chattles taken in execution, or for the payment of fines or rates) he shall take sufficient security from the person praying a replevin, to the adverse party, to prosecute such writ to effect, or in default thereof to redeliver the estate replevied into the custody of the person from whom it shall be taken, and answer all damages occasioned by issuing such writ.

Where suit is to be bro't. And be it further enacted by the authority aforesaid, that where both plaintiff and defendant are inhabitants of this state, the action or suit shall be brought in the county where one of the parties reside, otherwise the writ shall abate, and the defendant shall recover double costs. And where either party is not an inhabitant of this state, the action or suit shall be brought in the county where the other party resides.

Provido. Provided always, That when title of land be in dispute, and in actions for trespasses committed upon freeholds, the trial shall be in the county where the land lies.

Proceedings where defendant is absent at the time of service & does not return, &c. And be it further enacted by the authority aforesaid, That when it shall appear to the satisfaction of the court, that the party against whom the suit is brought is absent from the state at the time of commencing such suit, and shall not return or come within the same before the time of trial, the court where such suit is brought, shall continue the action to the next court, (unless the plaintiff shall make it appear to the satisfaction of the court, that the defendant had notice of the service of such process a sufficient time before the return thereof,

to have appeared at said court and had a trial) and if the defendant do not then appear in person, or by attorney, and be so remote that the notice of such suit could not probably be conveyed to him during the vacation, the court may further continue the action to the next court, and no longer. And in such case, where judgment shall be entered upon default, (except where such notice as aforesaid shall be proved) execution or writ of seizin shall not issue until the plaintiff shall have given bond, with one or more sufficient sureties, in double the value of the estate or sum of money recovered by such judgment, to make restitution, refund and pay back such sum or sums as shall be given in debt or damages, or so much as shall be recovered by writ of review, which may be brought within one year next after entering up of the first judgment, if upon such suit the judgment shall be annulled, reversed, or altered; and plaintiff in review may take the benefit of all pleas and advantages that he might have done in the original suit. And the security aforesaid shall be no further answerable than for the recovery which shall be made upon such suit to be commenced within one year, as aforesaid.

And be it further enacted by the authority aforesaid, That all writs, processses, declarations, indictments, pleas, answers and entries, in the several courts of justice within this state, be in the english language, except technical terms. And that no summons, process, writ, judgment, or other proceedings in court or course of justice, shall be abated, arrested or reversed, for any kind of clerical errors or mistakes, where the person and case may be rightly understood by the court, nor through defect or want of form only. And the judges, on motion made, may order amendment thereof. And if any person shall cause process to be served on another, for any matter or cause, and discontinue his suit, or be nonsuit therein, the court where such process is returnable, shall give judgment for the defendant to recover reasonable costs.

And in case the defendant in any suit, being duly served with process, and return thereof being made into the court where the same is returnable, do not appear in person or by attorney, his default shall be recorded, and judgment be entered up against him thereon, unless on or before the third day, inclusive, after the first day of the sitting of the court, he shall come into court and move for a trial; in which case he shall be admitted

Law proceedings to be in english.

Writs not to be abated for want of form.

Discontinuance or nonsuit.

Defendant not appearing, &c.

thereto, upon paying down to the adverse party, the cost he has been at: and the plaintiff shall pay for entering the action anew.

Courts to make rules. And be it further enacted by the authority aforesaid, That the judges of the supreme and several county

Clerks. courts respectively, within the state, be, and hereby are empowered, to make necessary rules for the orderly practice in such courts; so that said rules be not repugnant to the laws of this state: and also, from time to time, to appoint a clerk to officiate in their respective courts, and to do all things proper to that office; who shall be under oath well and truly to execute and discharge the same.

Special verdicts. And be it further enacted by the authority aforesaid, That the judges of the supreme and county courts shall determine matters of law, stated and referred to them by the jury in their special verdicts; which verdicts the jury, in all cases wherein they doubt of the law, shall have liberty to give therein, finding and presenting the facts, and thereon stating and putting the question in law, viz. *If the law be so, then we find the defendant is guilty of the matter alledged against him in the plaintiff's declaration, (or, did assume upon himself and promise, in manner and form as the plaintiff in his declaration hath alledged, &c. as the issue may be) and therefore find for the plaintiff damages, and his costs: but if the law be otherwise, we find for the defendant his costs.*

Appeal. And be it further enacted by the authority aforesaid, That it shall be in the liberty of either party to appeal from the judgment given in any county court, unto the next stated or adjourned supreme court of judicature, to be holden within and for the same county; or once,

Review. and no more, to review his cause at the next stated or adjourned session of the supreme court, in the same county. And the party claiming an appeal or review in either of said cases before mentioned, before his appeal or review be allowed, (which shall not be after the session of the court wherein the judgment was rendered)

Security to prosecute. shall give sufficient security, by way of recognizance, to the adverse party, to prosecute the same to effect, and answer and pay all intervening damages occasioned to the appellee or reviewee, by his being delayed, with additional costs, in case the judgment be affirmed: and execution shall be stayed and suspended until after the trial had upon the repeal or review. And the party appealing shall produce & give in to the court where said appeal

appeal is to be tried, attested copies of the writ, judgment, and all the evidences filed in the court from whence such appeal was granted. *Appellant to produce copies to the court.*

Provided, That no appeal or review shall be allowed in either of the courts before mentioned, where the judgment went upon default. *Provido.*

Provided also, That where judgment shall be given in any suit twice for the same party, no appeal or review shall afterwards be allowed. *Provido.*

Provided also, That no appeal be allowed from the county to the supreme court, in any action brought on bond, bill, note, or liquidated accounts, unless by special permission of the judges of the county court, upon consideration of the equity of the appellant's cause. *Provido.*

And to prevent appeals from the judgment of any of the courts before mentioned, with a view of delaying justice ; *Preamble.*

It is further enacted by the authority aforesaid, That whenever any person who shall appeal from the judgment of any county court, as beforementioned, shall fail to bring forward and prosecute his appeal to effect, in manner as above is provided, it shall be lawful in such cases for the appellee to enter his complaint in the court to which such appeal did lie, and producing attested copies of the judgment and evidence necessary for that purpose, to the said court, the said court shall award to the appellee the debt or damages, and costs, recovered by the first judgment, and the interest thereof at the rate of twelve per centum per annum, together with additional costs. *If appellant does not prosecute. Court to award debt, costs and 12 per cent interest.*

And be it further enacted by the authority aforesaid, That in cases proper for issuing an audita querela, the same shall be allowed if judgment was rendered in the supreme court, and signed by a judge of the same; but if the judgment was had in the county court, the said writ shall be signed and allowed by two judges of the court last mentioned; and sufficient security shall be taken by the judge or judges allowing the writ, for the re-delivery of the body or estate (as the case may be) to the custody of the officer having the same in possession, if the same shall be awarded, or in default thereof, the payment of the debt or damages, and cost. *By whom audita querela to be allowed. Bond to be taken.*

And be it further enacted by the authority aforesaid, That any judge of the supreme court may allow and sign writs of certiorari, in cases proper for the issuing such writ, taking bond for costs of prosecution in the form directed by law in case of appeals. *By whom certiorari to be signed.*

Past 8th March, 1787. An act adopting the common & statute law of England, *WHEREAS* it is impossible, at once, to provide particular statutes applicable to all cases wherein law may be necessary for the happy government of this people,

Preamble. and whereas the inhabitants of this state have been habituated to conform their manners to the english laws, and hold their real estates by english tenures.

The common law of England adopted. **B**E it enacted by the general assembly of the state of Vermont, That so much of the common law of England as is not repugnant to the constitution, or to any act of the legislature of this state, be, and is hereby adopted, and shall be and continue to be, law within this state.

Preamble, And whereas the statute law of England is so connected and interwoven with the common law, that our jurisprudence would be incomplete without it : Therefore

The statutes of England adopted in part. Be it further enacted by the authority aforesaid, That such statute laws and parts of laws, of the kingdom of England and Greatbritain, as were passed before the first day of October, anno domini one thousand, seven hundred and sixty, for the explanation of the common law, and which are not repugnant to the constitution, or some act of the legislature, and are applicable to the circumstances of the state, are hereby adopted and made, and shall be, and continue to be, law within this state : and all courts are to take notice thereof, and govern themselves accordingly.

Past Feb. 27, 1787. An act for enabling communities to sue for and defend their rights, estates and interests.

Communities may sue and defend. **I**T is hereby enacted by the general assembly of the state of Vermont, That it shall be lawful for all and every town, district, society, trustees for schools, proprietors of common or undivided lands, grants, and other estates and interests, and all other lawful societies or communities whatsoever, to sue, commence, and prosecute, any suits or actions for the maintaining or recovering of their grants, interests or estates, in any court proper to try the same ; and to appear, either by themselves, agents or attornies : and in like manner to defend in all such suits and actions as shall be brought or commenced against them.

Manner of serving the writ. And when any such town, district, society, trustees, proprietors, or other community as aforesaid, shall be sued, it shall be sufficient notice for them to appear and answer, to leave a true copy of the writ or summons in such

such suit, with their clerk, or other principal member, inhabitant or proprietor, thirty days before the setting of the court where the cause is to be heard.

And when judgment shall be rendered against any such town, district, society, or other community, execution shall issue accordingly, and may be levied on the persons or estates of the selectmen of such town or district, or of the trustees for schools, and also of the clerk, or other principal officer or member of such society or community, which shall be liable to be taken thereby; which execution shall not be granted until sixty days after the judgment shall be recovered: and the person or persons so made liable to be taken in execution, are hereby empowered and directed immediately to warn a meeting of the inhabitants of such town, district, society or districts for schools, or other community, who are to raise or levy a tax on said town, society, district, or other community, sufficient to satisfy such judgment and cost; which shall be collected by the constable or constables of the town, or district, or such other collector as shall for that purpose be appointed, and paid to the treasurer of such town, district, society or other community, or to the said trustees: and the person or persons, so made liable as aforesaid, are empowered to draw a sufficient sum out of said treasury, to satisfy the judgment therewith: and in case the inhabitants or members of such community, so warned, shall neglect to raise the money, such persons so made liable as aforesaid, are hereby empowered to assess said inhabitants or members of said community, and their estates, in a sum sufficient to pay said debt and costs, with all other incidental charges;— which shall be collected and paid as aforesaid.

And the said persons so made liable and levying said tax, are hereby made accountable to their constituents or successors in office, when thereunto by them requested, under the penalty of fifty pounds for each omission, to be recovered by any person or persons who shall prosecute for the same to effect; one half of said penalty to be to and for the use of the person prosecuting to effect, and the other half to and for the use of the community so injured.

An act establishing the constitution of VERMONT, and for determining who are entitled to the privileges of the constitution and laws.

BE it enacted by the general assembly of the state of Vermont, That the constitution of this state, as

*On whom
executions
to be levied.*

*Not to be
issued under
sixty days.*

*Tax to be
levied to sa-
tisfy the
judgment.*

*Inhabitants
neglecting,
who to do it*

*Accountable
for the a-
vails.*

*Passed
March 8,
1787.*

The constitution declared to be law. revised and established by convention held at Manchester in June one thousand seven hundred and eighty-six, subject to such alterations and additions as shall be made agreeably to the XLth section in the plan of government, shall be forever considered, held and maintained, as part of the laws of this state.

The subjects of the united States to have the benefit of law *And be it further enacted by the authority aforesaid;* That all the subjects of the united states of America, shall, within this commonwealth, be equally entitled to the privileges of law and justice with the citizens of this state, in all causes proper for the cognizance of the civil authority and courts of judicature in the same, and that without partiality and delay: and that no man's person shall be restrained or imprisoned unless by authority of law.

Passed Feb. 27, 1787.

Constables to be chosen, sworn, &c.

An act directing constables in their office and duty.
BE it enacted by the general assembly of the state of Vermont, That one or two constables shall be chosen annually, by each town in this state; who shall be sworn by some justice of the peace, or the town clerk of such town, according to law. And it shall be the duty of the first constable chosen annually in each town, to levy and collect their state taxes, and make up their accounts thereof with the treasurer.

To transport persons from town to town.

And every inhabitant of this commonwealth, tendered to any constable of any town in this state, by a constable or other officer belonging to any of the neighboring states, with a warrant from their authority, shall presently be received, and forthwith conveyed from constable to constable, by the respective constables in this state, until such person shall be brought unto the place to which he or she is sent; or if for the commission of any crime, before some justice of the peace in this state, who shall dispose of such person as the nature of the case may require.

To pursue hue-and-cries.

And every constable shall duly receive all hues-and-cries, and the same diligently pursue to full effect;—such as are granted and sent out after capital or criminal offenders, at the cost and charge of this state; but such as are taken out by particular persons, in their own cases, at the cost and charge of those who take them out.

Constables may put forth hue-and-cries,

That every constable in this state is hereby authorised and fully empowered, to put forth pursuits, or hues-and-cries,—after murderers, peace breakers, thieves,

thieves, robbers, burglars, and any other capital offenders, where no justice of the peace is near at hand : as also, without warrant, to apprehend such as are overtaken with drink, guilty of profane swearing, Sabbath breaking : also vagrant persons, and unseasonable night walkers :—(provided they are taken and apprehended in the fact, either in the sight of the constable, or immediate information of some others) and them keep in safe custody, until opportunity serves to bring them before the next justice of the peace for further examination, in order to their being proceeded against according to law.

Without warrant to apprehend Sabbath breakers, &c.

That each and every constable shall have power and authority to serve and execute such lawful precepts, writs, and warrants, as are directed to him by proper authority, within the town only where he belongs ; and shall have the power of water-bailiffs in their respective towns, when and where there shall be occasion for the same.

To serve writs, &c.

Provided nevertheless, That when any constable is employed or commanded by any justice of the peace, to apprehend or arrest any person or persons, he shall not do it without a warrant in writing.

And be it further enacted by the authority aforesaid, That all constables shall make due presentment of all breaches of law coming to their knowledge, to some authority proper to receive the same, once in every month. And if any constable shall neglect to make such presentment, and be thereof legally convicted, he shall pay a fine of five shillings to the treasury of the town where he belongs.

Constables to make presentments monthly.

And the better to enable, and the more effectually to oblige, the respective constables to execute their office,

Be it further enacted by the authority aforesaid, That if any person shall refuse at any time to assist the constable in the execution of his office, being by him duly thereunto required, he shall forfeit a sum not exceeding two pounds ; and if any person shall wilfully, obstinately, or contemptuously, refuse to assist such constable, as is before expressed, he shall forfeit and pay a fine not exceeding five pounds : both of which fines shall be for the use of the town where offence is committed : the said offence to be heard and tried by a justice of the peace.

Penalty for refusing to assist the constable.

And in case any town, by death or removal of the constable thereof, shall become wholly destitute of such

Office vacant how to be filled.

such officers, the selectmen of such town shall forthwith warn a meeting of the inhabitants of such town, who shall assemble and proceed to the choice of a constable, or constables, to supply the vacancy so made; which officers shall be sworn according to law.

Passed
March 8,
1787.

Preamble.

An act for authenticating and registering deeds and conveyances.

FOR preventing fraudulent sales and incumbrances of real estates, and to the intent it may be better known what title or interest persons have in or to such estates as they shall offer for sale :

Deeds to be acknowledged and recorded.

BE it enacted by the general assembly of the state of Vermont, That all deeds or conveyances of any houses or lands within this state, signed, sealed, and delivered, by the parties granting the same, having good and lawful authority, attested by two or more witnesses, and acknowledged by such grantor or grantors, before a justice of the peace, and recorded at length in the town clerk's records where such houses or lands do lie, shall be valid to pass the same, without any other act or ceremony in the law, whatsoever: want of livery of seisin, or attornment of the possessor, notwithstanding.

No bargain or sale, &c. to be valid in law, unless, &c.

And that no bargain, sale, mortgage, or other conveyances of houses or lands, made and executed within this state, or attachment served thereon, shall be valid in law to hold such houses or lands against any person or persons but the grantor or grantors, and defendant, and their heirs only, unless the deed or conveyance thereof be acknowledged and recorded in manner as is before expressed; or unless minutes be made of such mortgages in the town records; which minutes shall respectively contain the description and boundaries of the land mortgaged, the names of the mortgagers and mortgagees, the dates of the mortgages, the mortgage money, the times when payable and when registered; or unless an attested copy of such attachments, and the officer's return thereof, be filed in the town clerk's office.

Provide.

Provided nevertheless, That when and so often as it shall happen, that any grantor shall live out of this state, or be dead, before any deed, conveyance, or mortgage, by him or her so made, be acknowledged as aforesaid, (and also where the proof of any deed, similarly circumstanced, shall have been heretofore taken)

taken) the proof of the execution of such deed or mortgage, by the oath of at least one of the witnesses, before a councillor, or judge of the supreme or county court, shall be esteemed in law equivalent to the party's own acknowledgment thereof.

Provided also, That when the grantor, and all the witnesses to any such deed or mortgage, shall, before the same be duly acknowledged as aforesaid, die, or remove out of the state, the proof of such deed or mortgage may be made before either the supreme or county court, in the county where the grantee lives, or the lands do lie, (in open court) by proving the hand writing of the grantor, or witnesses, or adducing other evidence to the satisfaction of such court, which court may order such deed or mortgage to be entered upon record, with such proof, and the same shall be esteemed in law equivalent to the party's acknowledgment thereof.

And be it further enacted by the authority aforesaid, That when there shall be a necessity of taking the acknowledgment or proof of the execution of a deed, out of this state, the same shall be taken and certified by such officer as is, or shall be, authorised to take the acknowledgment of deeds in the state, kingdom, or province, where the same shall be taken; and such acknowledgment or proof so taken, and certified, shall be as good and valid as if the same was taken by the proper officer within this state.

Be it further enacted by the authority aforesaid, That any mortgagee of lands or tenements, his or her heirs, executors, administrators, or assigns, having received full satisfaction of such mortgage-money, shall at the request and cost of the mortgager, his heirs, executors, or administrators, acknowledge payment thereof, and cause such acknowledgment to be entered in the margin of the record of the minute of such mortgage, and sign the same; which shall thereafter forever discharge such record, and perpetually bar all actions to be brought thereupon in any court of record.

And if such mortgagee, his or her heirs, executors, or administrators, shall not within ten days next after request in that behalf made, and tender of his, her, or their reasonable charges, repair to their records, and there make and sign such acknowledgment as aforesaid, or otherwise sign, seal, and deliver, a discharge of the said mortgage, and release and quit claim

E

his,

*Provided**In what manner acknowledgment is to be taken out of the state.**Mortgagee after payment, to discharge the record.**Penalty for neglect.*

his, her, or their right to the estate therein mentioned to be granted, and acknowledge the same before a proper magistrate, he, she, or they so refusing, shall be liable to make good all damages sustained for want of such discharge and release; to be recovered in any court proper to try the same, together with treble costs of suit.

*Town clerk
to record
deeds, &c.*

Be it further enacted by the authority aforesaid, That the town clerks, in the several towns in this state, shall fairly enter, and record at length, in their records, all deeds and conveyances of lands, tenements, and hereditaments, and also all minutes of mortgages upon lands lying and being within the town where such clerk's records are kept, made, executed, and acknowledged in manner aforesaid, which shall be bro't to him to record; and file all copies of attachments as beforementioned; and shall, on receipt thereof in his office, note thereon the time when he received the same, and shall date the record and filing thereof accordingly.

Proviso.

Provided, That in towns where there is or shall be no town clerk elected, such grants of, or incumbrances upon, land, shall be recorded in the county clerk's office of the county where the land lies, in a book to be by him kept for that purpose: any thing in this act, to the contrary, notwithstanding.

*Penalty for
neglect.*

And be it further enacted by the authority aforesaid, That if any town or county clerk within this state, shall neglect to perform his duty, according to this act, and be thereof convicted, he shall forfeit, for each omission, the sum of five pounds, to the treasury of the county where such neglect shall happen, and pay all damages to any person or persons injured by such neglect.

*Persons re-
fusing to
acknow-
ledge their
deeds, how
to be tried.*

Be it further enacted by the authority aforesaid, That if any person or persons having signed, sealed, and delivered a deed or mortgage of land, shall refuse to acknowledge the same; in such case, the person or persons to whom such deed or mortgage was made, may make application to a justice of the peace, (who is hereby authorized to hear and determine the same) for a warrant to bring such person or persons immediately before him, and shew cause (if any there be) why he refuses to acknowledge the said deed or mortgage: and if it doth not appear to the said justice that the said grantor has just grounds to refuse acknowledging the same;

same, and he or they still continue to refuse, the said justice may commit the said grantor or grantors to goal, there to remain until he or they do acknowledge the said deed or mortgage, and pay the costs of such complaint and commitment.

Provided always, That the party grieved have liberty *Provide.* to appeal from the judgment of the said justice of the peace unto the county court in said county; and every party to such deed shall be debarred from making any legal conveyance of said premises in the mean time, or until the matter be determined by said county court.

And whenever any person or persons who have sold, or shall hereafter sell, any lands within this state, shall be demanded by any person or persons in whom the fee of such land is, to procure his deed or title to be recorded in the office proper for recording such deed, if such record shall not have been theretofore made, he, she, or they, refusing or neglecting the same for the space of six months after such demand shall be liable to be proceeded against in like manner as is herein before provided in case of persons refusing to acknowledge their deeds; and shall besides be liable to pay all damages *When is* *get deeds re-* *corded.* *Penalty.* occasioned by such deeds not being properly recorded.

Be it further enacted by the authority aforesaid, That no real estate whereof any feme covert is or shall be seized, shall henceforth pass by the deed of herself and her baron, without a previous acknowledgment made by her apart from her husband, before a councillor, a judge of the supreme court, or of the county court where such married woman shall live, or the land so to be conveyed does or shall lie, that she executed such deed freely, without any fear or compulsion of her husband. A certificate of which acknowledgment, taken in manner aforesaid, shall be endorsed on the deed by the magistrate taking the same, and recorded with the deed, by the proper officer for recording deeds. And every alienation of such estates not acknowledged and recorded, together with the certificate of such acknowledgment as aforesaid, is hereby declared to be *Mode of a* *feme co-* *verts ac-* *knowledg-* *ing a deed.* *ipso facto* void.

An act ascertaining the value of contracts made for continental bills of credit.

BE it enacted by the general assembly of the state of Vermont, That all contracts made on or before the

Passed
Feb. 27,
1787.

*Contracts
for conti-
nental cur-
rency, their
value.*

the first day of September, one thousand seven hundred and seventyseven, for lawful money, or bills of credit, shall be deemed equal to the same nominal sum of gold or silver; and that all contracts made in this state, between the first day of September, one thousand seven hundred and seventyseven; and the first day of September, one thousand seven hundred and eighty, understood, or expressed, to be for the common currency of the united states, or continental currency, shall be rated at spanish milled dollars, or other coins of currency equivalent, agreeable to the following table in continental bills of credit, at the several times therein expressed.

*Scale of de-
preciation.*

Sept. 1st, 1777,	100	April 1st,	600
October 1st,	110	May 1st,	800
November 1st,	120	June 1st,	1000
December 1st,	130	July 1st,	1100
January 1st, 1778,	140	August 1st,	1200
February 1st, - - -	155	September 1st,	1300
March 1st, - - - -	170	October 1st,	1450
April 1st, - - - -	185	November 1st,	1600
May 1st, - - - - -	200	December 1st,	1800
June 1st, - - - - -	220	Jan. 1st, 1780,	2000
July 1st, - - - - -	240	February 1st,	2400
August 1st, - - - -	260	March 1st,	2800
September 1st, - - -	295	April 1st,	3200
October 1st, - - - -	325	May 1st,	3600
November 1st, - - -	360	June 1st,	4000
December 1st, - - -	400	July 1st,	5000
January 1st, 1779,	450	August 1st,	6000
February 1st,	500	September 1st,	7200
March 1st,	550		

*Contracts,
how liqui-
dated.*

And be it further enacted by the authority aforesaid, That all contracts understood, or expressed, to be for the common currency of the united states, or continental currency, made in either of the united states, and bro't into this state for payment, shall be settled and paid according to the scale of depreciation where such contract was made: of which the several courts of law are to take notice and govern themselves accordingly

*Passed
March 8,
1787.*

An act against counterfeiting and passing bills of public credit, coins and notes; and to prevent injustice in passing the same.

BE it enacted by the general assembly of the state of Vermont, That whosoever shall presume to forge, counterfeit

counterfeit or alter, any of the bills of credit, or notes, *Penalty for*
 of this, or either, or all of the other american states, *counterfeit-*
 that now are or hereafter shall be, by law emitted and *ing public*
 established current, or issued either in this or any of *securities,*
 the aforesaid states, or any note or notes issued, or to
 be issued, from the loanoffice of this state, or from the
 loanoffice of the united states of Northamerica, or
 from the loanoffices of either of the said states, or any
 note or notes issued by the president, directors and
 company of the bank of Northamerica, or any other
 person or persons authorised by the congress of the u-
 nited states, or the legislature of this or either of the
 thirteen states of America, to issue notes; or that shall
 alter, or put off, any such forged, counterfeited or al-
 tered bills or notes, knowing them to be such; or that
 shall council, advise, procure, or any ways assist, in
 the forging, counterfeiting, imprinting, stamping, al-
 tering, signing or passing, any false, forged and coun-
 terfeited bill or bills, note or notes, knowing them to
 be such; or shall engrave any plate, or make any other
 instrument to be used for that purpose; every person or
 persons so offending, being convicted thereof before
 the supreme court of this state, shall be punished by
 having his right ear cut off, & shall be branded with the
 capital letter C on a hot iron, and be committed to any
 goal or house of correction, there to be confined and
 kept to work under the care of a master, and not to
 depart therefrom without special leave from the assem-
 bly of this state, until the day of his, her, or their
 death; under the penalty of being severely whipped
 by order of any court or justice, and thereupon to be
 returned to his former confinement and labor: and all
 the estate of any person offending as aforesaid, shall be
 forfeited to this state, and may be accordingly seized
 for that purpose, by order of the court before whom
 such offender is convicted.

*And that such offenders may be more effectually dis-
 covered and prosecuted,*

Be it further enacted by the authority aforesaid, That
 whosoever shall make discovery, and give information
 of such vile and wicked practices of making or alter-
 ing any such bills or notes, or of making any of the
 instruments aforesaid, or of aiding therein, so that the
 person or persons guilty thereof be tendered to justice
 and convicted; every such informer shall have and re-
 ceive as a reward therefor, the sum of ten pounds
 from the treasury of this state.

And

*Reward
 for inform-
 ing.*

Contracts for continental currency, their value.

the first day of September, one thousand seven hundred and seventyseven, for lawful money, or bills of credit, shall be deemed equal to the same nominal sum of gold or silver; and that all contracts made in this state, between the first day of September, one thousand seven hundred and seventyseven; and the first day of September, one thousand seven hundred and eighty, understood, or expressed, to be for the common currency of the united states, or continental currency, shall be rated at spanish milled dollars, or other coins of currency equivalent, agreeable to the following table in continental bills of credit, at the several times therein expressed.

<i>Scale of depreciation.</i>	Sept. 1st, 1777,	100	April 1st,	600
	October 1st,	110	May 1st,	800
	November 1st,	120	June 1st,	1000
	December 1st,	130	July 1st,	1100
	January 1st, 1778,	140	August 1st,	1200
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	March 1st, - - -	170	October 1st,	1450
	April 1st, - - -	185	November 1st,	1600
	May 1st, - - -	200	December 1st,	1800
	June 1st, - - -	220	Jan. 1st, 1780,	2000
	July 1st, - - -	240	February 1st,	2400
	August 1st, - - -	260	March 1st,	2800
	September 1st, - - -	295	April 1st,	3200
	October 1st, - - -	325	May 1st,	3600
	November 1st, - - -	360	June 1st,	4000
	December 1st, - - -	400	July 1st,	5000
	January 1st, 1779,	450	August 1st,	6000
	February 1st,	500	September 1st,	7200
	March 1st,	550		

Contracts, how liquidated.

And be it further enacted by the authority aforesaid, That all contracts understood, or expressed, to be for the common currency of the united states, or continental currency, made in either of the united states, and bro't into this state for payment, shall be settled and paid according to the scale of depreciation where such contract was made: of which the several courts of law are to take notice and govern themselves accordingly

Passed March 8, 1787.

An act against counterfeiting and passing bills of public credit, coins and notes; and to prevent injustice in passing the same.

BE it enacted by the general assembly of the state of Vermont, That whosoever shall presume to forge, counterfeit

counterfeit or alter, any of the bills of credit, or notes, of this, or either, or all of the other american states, that now are or hereafter shall be, by law emitted and established current, or issued either in this or any of the aforesaid states, or any note or notes issued, or to be issued, from the loanoffice of this state, or from the loanoffice of the united states of Northamerica, or from the loanoffices of either of the said states, or any note or notes issued by the president, directors and company of the bank of Northamerica, or any other person or persons authorized by the congress of the united states, or the legislature of this or either of the thirteen states of America, to issue notes; or that shall alter, or put off, any such forged, counterfeited or altered bills or notes, knowing them to be such; or that shall council, advise, procure, or any ways assist, in the forging, counterfeiting, imprinting, stamping, altering, signing or passing, any false, forged and counterfeited bill or bills, note or notes, knowing them to be such; or shall engrave any plate, or make any other instrument to be used for that purpose; every person or persons so offending, being convicted thereof before the supreme court of this state, shall be punished by having his right ear cut off, & shall be branded with the capital letter C on a hot iron, and be committed to any goal or house of correction, there to be confined and kept to work under the care of a master, and not to depart therefrom without special leave from the assembly of this state, until the day of his, her, or their death; under the penalty of being severely whipped by order of any court or justice, and thereupon to be returned to his former confinement and labor: and all the estate of any person offending as aforesaid, shall be forfeited to this state, and may be accordingly seized for that purpose, by order of the court before whom such offender is convicted.

And that such offenders may be more effectually discovered and prosecuted,

Be it further enacted by the authority aforesaid, That whosoever shall make discovery, and give information of such vile and wicked practices of making or altering any such bills or notes, or of making any of the instruments aforesaid, or of aiding therein, so that the person or persons guilty thereof be tendered to justice and convicted; every such informer shall have and receive as a reward therefor, the sum of ten pounds from the treasury of this state.

Penalty for counterfeiting public securities,

and for altering and passing the same, or aiding therein.

Reward for informing.

And

And the more effectually to prevent the passing such counterfeit, forged, or altered bills or notes, and injustice arising thereby,

*Treasurer
to seize
counterfeit
bills, &c.*

Be it further enacted by the authority aforesaid, That when and so often as it shall happen that any such false, forged, altered, or counterfeit bills or notes, shall be brought to the treasury of this state, or offered to him in payment of rates, or to be exchanged, he shall secure them; and he is hereby authorized to seize and retain them, entering on the back thereof, the name of the person in whose possession they were, and then deliver the same into the hands of some authority to be inquired into.

Also justice.

And every justice of the peace is hereby also authorized and empowered to seize, and take into custody, every such false or altered bill or note, which he shall see, observe or have knowledge of, and the same to retain, entering the name of the person from whom he took the same; and at his discretion, to cause the person from whom he took such bill or note, or the person from whom the treasurer took such bill or note, to come before him to be examined in the premises, and to administer an oath to such person or persons, to declare of whom he or they received it, and proceed in his inquiries in manner aforesaid, after the author of the mischief, and as far as such authority's discretion will guide him.

*Suspected
bills to be
lodged with
authority.*

Be it further enacted by the authority aforesaid, That whensoever any person shall be the possessor of any such false, altered, or counterfeit bill or note, he shall (on his discovering it to be such) deliver the same to some justice of the peace, and inform him that he concludes the same to be false and counterfeit; and if such justice of the peace shall suppose the same to be false as aforesaid, he shall take the same, and minute on the back of such bill or note, the name of the person of whom he received it, and that it was delivered to him as a counterfeit or altered bill or note; and such person that so delivers up such bill or note, or from whom the same shall be taken in either of the methods aforesaid, may, after such delivery or taking, demand of the person from whom he received the same, pay therefor, informing him where such bill or note is lodged. And if the person of whom he or she received such bill or note, shall refuse or neglect to make him or her satisfaction therefor, he or she may bring

*Persons re-
fusing to
pay for
counterfeit
bills, may be
sued.*

bring his or her actions, for so much money received to his or her use, before any court or justice of the peace proper to try the same; and in the trial, of any such case, if the bill or note be found to be false, forged, altered, or counterfeit, to the satisfaction of the court that tries the same, the said court shall proceed at their discretion, to inquire into the equity of the cause, by examining the parties under oath, and taking any other evidence which they shall judge just and right; and upon finding to the satisfaction of the court that such plaintiff received the same bill or note of the defendant for a true bill or note, they shall give judgment for the plaintiff for his just damages and cost.

Provided always, Such bill or note be delivered up, *Provide.*
or taken as aforesaid, before the plaintiff offered the same back to the person of whom he received it.

Provided also, That no person be prosecuted in form *Provide.*
as aforesaid, but within two years after he put off such bill or note; which fact may be inquired into in form as aforesaid.

Be it further enacted by the authority aforesaid, That every person who hath at any time had any such bill or note which shall be taken from the possessor, or shall by the possessor be delivered up as aforesaid, and hath satisfied the person to whom he put off said bill or note for the same, shall have the like liberty of prosecuting and taking remedy as aforesaid, against the person of whom he received the same. *Persons having satisfied the possessor, may prosecute.*

And that every justice who shall have such bill or note in hand, shall, at the cost of the party, safely convey the same to any court where the same may be wanted in trial of the case. And that after any court or justice hath had the possession of such false or counterfeit bill or note the space of two years, he or they shall destroy or deface the same. *Courts to destroy such bills.*

And be it further enacted by the authority aforesaid, That the treasurer, and civil authority be, and they are hereby authorised and directed, to take the same method to discover, detect and secure all false and counterfeit coins, made in imitation of any gold, silver or copper coins which are or may be current in this state, and to detect the authors of the fraud, as is in this act before provided and directed in case of false and counterfeit bills or notes of public credit. And any person who hath sustained, or may sustain, damage by receiving any false or counterfeit coin, shall have *The same methods to be pursued respecting counterfeit coins.*

have like remedy for recovery of such damages as is by this act given in case of damages sustained by receiving false and counterfeit bills of public credit and notes.

*Forfeiture
for emitting
bills, &c.
on private
credit.*

Be it further enacted by the authority aforesaid, That if any person, society, number of persons, or company, within this state, without special authority from the legislature, shall presume to strike, emit, or put out, any bills of credit, or notes, on any fund or credit of any person or persons, society, or company, to be used and improved as a general currency or medium of trade, as and in lieu of money, (other than promissory negotiable notes) such person or persons, society, or company, on conviction thereof, shall forfeit treble the nominal value of the bills or notes so emitted or put out; one third part to him or them who sue for and prosecute for the same to effect, and the other two thirds to the treasury of the county where such conviction shall be had.

*Forfeiture
for passing.*

And that if any person or persons shall in this state utter, vend, or pass, any bills or notes, or other currencies whatever, which either have been, or hereafter shall be, struck, emitted, or put out, to be used as aforesaid, on the fund or credit of any private person or persons, society or company whatever, either in this or any of the neighboring states, he or they so offending, shall forfeit double the sum or value expressed in such bill, note, or other currency; the one half thereof to him or them that shall prosecute the same to effect, and the other half to the town treasury, when the trial shall be before a justice of the peace, and to the county treasury when it shall be before the county court.

*Present-
ment to be
made.*

And all grand jurors and constables are required to make presentment of all breaches of this act.

*Passed
Feb. 27.
1787.*

*Bounds of
Bennington
county.*

An act for the division of counties in this state.
BE it enacted by the general assembly of the state of Vermont, That the tract of land within the limits herein after described, shall be and remain one entire county, and be known by the name of the county of Bennington, viz. Beginning at the southwest corner of the town of Pownal; thence running northely in the west lines of the towns of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, and Rupert;—
thence

thence running easterly along the north lines of the towns of Rupert, Dorset, Brumley, and Landgrove, to the northeast corner thereof; thence along the easterly lines of the towns of Landgrove, Winhall, and the westerly lines of Stratton, Somerset, Wilming- ton, and Whitingham, to the north line of the commonwealth of Massachusetts; and thence along the north line of Massachusetts to the southwest corner of Pownal aforesaid.

And be it further enacted by the authority aforesaid,
That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *the county of Windham*, viz. Beginning at the southeast corner of Bennington county, in the north line of the commonwealth of Massachusetts; thence east in said line, to the east line of this state; thence northward along the east line of this state, to the northeast corner of Rocking- ham; thence along the northerly lines of Rocking- ham, Tomlinson, and Londonderry, to the north- east corner of Bennington county; and then along the east line of Bennington county to the place of beginning.

*Bounds of
Windham
county.*

And be it further enacted by the authority aforesaid,
That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *the county of Windsor*, viz. Beginning at the northeasterly corner of Windham county; then along the east line of this state, to the northeast corner of Norwich; then westerly along the north lines of Norwich, Sharon, Royalton, Bethel, and Rochester, to the northwest corner there- of; then along the westerly line of Rochester and Stockbridge, to the northwesterly corner of Killington; thence along the northerly line of Killington, to the northwest corner of Bridgwater; thence in the west lines of Bridgwater, Saltash, Ludlow, and Andover, to the northwest corner of Windham county; and then along the north line of Windham county, to the place of beginning.

*Windsor
county.*

And be it further enacted by the authority aforesaid,
That the tract of land included within the following limits, shall be and remain one entire county, and be known by the name of *the county of Rutland*, viz. Beginning at the northwest corner of Bennington county; thence running easterly along the north line

*Rutland
county.*

of Bennington county, until it meets the west line of Windsor county; from thence northerly along the west line of Windsor county, to the northeasterly corner of Pittsfield; then along the north lines of Pittsfield, Peiladelphia, Brandon, Sudbury, and Orwell; and thence southerly, in the west line of this state, to the place of beginning.

Orange
county.

And be it further enacted by the authority aforesaid, That the tract of land included within the following limits, shall be & remain one entire county, for the time being, & be known by the name of *the county of Orange*, viz. beginning at the northeast corner of Windsor county; then westerly in the north line of Windsor county, to the southwest corner of Kingston; then on the westerly lines of Kingston, Roxbury, Northfield, and Berlin; then up Onionriver about a mile and an half to the southeasterly corner of Middlesex; then north, thirty six degrees east, on the west lines of Montpelier, Calais, Woodbury, Hardwick, and Greensborough, to the northwesterly corner thereof; and then in the most direct course on town lines, to the north line of this state; then in the north line of this state, to the northeast corner thereof; and then southwardly, along the east line of this state, to the place of beginning.

Addison
county.

And be it further enacted by the authority aforesaid, That the tract of land included within the following limits, shall be and remain, for the time being, one entire county, and be known by the name of *the county of Addison*, viz. Beginning at the northwest corner of Rutland county; from thence running along the west line of this state, to the fortyfifth degree of northern latitude, then east along the said fortyfifth degree of latitude, until it meets the west line of Orange county; then southerly, along the west line of Orange county, to the northern line of Rutland county; and then westerly on the north line of Rutland county, to the place of beginning.

Passed
March 8,
1787.

The time of
holding
county off-
ces.

An act limiting the time of holding the county offices therein mentioned.

BE it enacted by the general assembly of the state of Vermont, That the judges of the several county courts, judges of probate, sheriffs and justices of the peace, in the several counties, now in office, or hereafter to be appointed for the remainder of the ensuing year, continue in the exercise of their said offices

offices until the first day of December next; and that the said several officers hereafter to be appointed by the legislature in their October session, shall continue in the exercise of their offices for one year, to be computed from the first day of December next following their election.

An act defining the powers of the supreme and county courts within this state.

*Passed
March 8,
1787.*

BE it enacted by the general assembly of the state of Vermont, That from and after the first day of December next, the county courts of the respective counties shall consist of one chief judge and two side judges, any two of whom shall be a quorum, and within their respective counties shall take cognizance of all criminal matters, of every name and nature, except such cases as are cognizable only in the supreme court, or before a justice of the peace) and award such sentence as to law and justice appertains. And any person prosecuted for a criminal offence, and aggrieved at the judgment given in any county court may appeal from the sentence (the cause being originally heard and tried in the said court) to the next stated or adjourned supreme court, to be holden in said county where the cause was tried, there to be finally determined; the appellant during the sitting of said court, recognizing to the treasurer of the county where the offence is charged to have been committed (if the prosecution be commenced on the complaint of a county or town informing officer, if otherwise, to the prosecutor), with sufficient sureties, in a reasonable sum, for his personal appearance at the court appealed to, prosecuting his appeal there to effect, abiding the order or sentence of the said court thereon, and to be of good behaviour in the mean time. And the party appealing is to remain in the custody of an officer until he shall have given such security, which officer shall not be allowed more than one shilling an hour for the said service.

*Number of
county
judges,*

their authority in criminal causes.

An appeal allowed.

And be it further enacted by the authority aforesaid, That all actions and causes of action of a civil nature, (except such actions as are made cognizable solely before the supreme court or justices of the peace) shall be originally commenced and prosecuted to effect in a county court. And if any suit made cognizable before a justice of the peace shall be brought before a county court, the same shall abate.

County court's authority in civil causes.

*County
courts to ap-
point a
treasurer.*

And the county courts shall have power to appoint a treasurer in their respective counties, who shall enter into a bond before the county court by whom they are respectively appointed, at the discretion of such court, for the faithful performance of their office; and such treasurers (being sworn to the faithful discharge of their trust) shall have the same power in issuing warrants and extents for the collection of taxes within their respective counties, as is or shall by law be given to the states treasurer.

His power.

Provided always, That when it shall so happen that any one or more of said judges shall be disabled from attending, by sickness or otherwise, the presiding judge shall have the power of calling to his assistance any one councillor within the state.

*A supreme
court con-
stituted; &c*

And be it further enabled by the authority aforesaid, That there shall be, and hereby is constituted, a supreme court of judicature within and for this state, to be held and kept annually at the respective times and places directed by law, by one chief judge, and two side judges, to be chosen by ballot, by the governor, council, and general assembly, annually, at their October session, and commissioned for that purpose, any two of whom shall be a quorum: but in case of the absence of the rest, one of the said judges is hereby empowered to open and adjourn the court.

*Provido,
when not a
quorum.*

(*And if one or more of the said judges shall be disabled from attending, by reason of sickness or otherwise, the presiding judge shall have the power of calling to his assistance any one councillor within the state.*)

*Their pow-
er.*

Which court shall have cognizance of all pleas of the state, criminal actions and causes, and whatsoever relates to the conservation of the peace and punishment of offenders, and also of civil causes or actions between party and party, and between this state and any of its subjects, whether the same be brought into said court by original process, appeal, writ of error, or in any legal way whatsoever: and the said court is hereby empowered to give judgment therein, and award execution thereupon, with costs. And it shall be in the power of the chief judge of the supreme court to call a special court, when the exigencies of government shall require it.

*Power in
chancery.*

And it is also further enabled by the authority aforesaid, That as well the judges of the county courts as the judges of the supreme court of judicature respective-
ly

ly, where the forfeiture or penalty of any obligation, with a condition thereto, or penalty annexed to any articles, agreement, covenant, contract, charter-party, or other specialty, or forfeiture of any estate granted upon condition executed, by deed of mortgage, or bargain and sale with defeazance, shall be found by verdict of jury, or by default, or confession, of the obligor, mortgagor or vendor, are hereby empowered and authorized to moderate the rigor of the law; and on consideration of such cases, according to equity and good conscience, to chancer such forfeiture, and to enter up judgment for the just debt and damages, and to award execution accordingly: only in actions upon mortgages, or bargain and sale with defeazance, the judgment shall be conditioned as follows; that if the mortgagor or vendor, his heirs, executors or administrators, shall tender such sum with costs, as the court shall determine to be justly due thereupon, to the clerk of said court, by a time to be limited by such court, not exceeding one year from the rendering of such judgment, such clerk shall receive it and deliver a certificate of such receipt to the person making such tender or payment: which certificate being entered upon the margin of the record of the mortgage, or other instrument of bargain and sale, in the townclerk's office where such land lies, shall discharge and forever defeat such instrument. And when the plaintiff shall receive such sum of the clerk, the said plaintiff shall subscribe a receipt for it on the records of the court. But if the mortgagor or vendor shall not make such tender or payment as aforesaid, within the term aforesaid, the plaintiff shall be put in possession of the land sued for, by a writ for that purpose to be issued by the clerk of the court wherein such judgment was obtained, and shall hold the same to him, his heirs and assigns, discharged from all right of redemption.

And where judgment shall be rendered by default, *When court or on demurrer in any suit in any court in this state, to chancer such court shall have full power to ascertain the sum damages. due, and give judgment accordingly.*

And be it further enacted by the authority aforesaid,
That the times and places for the annual sitting of the supreme court, in the several counties, be as follows, viz. At Addison and Colchester, in the county of Addison, alternately on the second Tuesday *Times and places of supreme court sitting.*
of

of August. At Rutland, in the county of Rutland, on the third Tuesday of August. At Bennington, and at Manchester, in the county of Bennington, alternately, on the fourth Tuesday of August. At Westminster, in the county of Windham, on the first Tuesday next following the fourth Tuesday of August next, and thereafter at Newfane, in said county of Windham, on the first Tuesday next following the fourth Tuesday in August, if the inhabitants of said Newfane shall, before that time, build a courthouse according to the condition of a bond, executed by Luke Knoulton, esq. and others, to the treasurer of Windham county. At Windsor, in the county of Windsor, on the second Tuesday next following the fourth Tuesday of August, until the inhabitants of the town of Woodstock, in said county, shall have built a courthouse in Woodstock, to the approbation of the judges of the county court of Windsor county, and thereafter at said Woodstock, on the said second Tuesday next following the fourth Tuesday in August. At Newbury, in the county of Orange, on the third Tuesday next following the fourth Tuesday in August.

*Times and
places of
county
court's sit-
ting.*

And be it further enacted by the authority aforesaid, That the times and places for holding county courts, in the several counties, be as follows, viz. In the county of Bennington, at Bennington the third Tuesday of September, and at Manchester the third Tuesday of April. In the county of Windham, at Westminster on the first Tuesday of June next, and at Marlborough on the second Tuesday of November next, and thereafter at Newfane, in said county, at the times last mentioned, if the inhabitants of said Newfane shall, before that time, build a courthouse, according to the condition of a bond, executed by Luke Knoulton, esq. and others, to the treasurer of Windham county. In the county of Windsor, at Windsor, on the last Tuesday of October, and on the last Tuesday of May—until the inhabitants of the town of Woodstock, in said county, shall have built a courthouse in said Woodstock, to the approbation of the judges of the county court of Windsor county, and thereafter at said Woodstock, at the times last mentioned. In the county of Rutland, at Rutland, on the third Tuesdays of March and November. In the county of Orange, at Newbury,

on the second Tuesdays of June and December.
And in the county of Addison, at Addison on the first
Tuesday of March, and at Colchester on the second
Tuesday of November.

An act concerning sudden and untimely deaths.

*Passed Feb.
27, 1787.*

BE it enacted by the general assembly of the state of Vermont, That when, and so often as, any person shall come to any sudden, untimely, or unnatural death, or be found dead in this state, the manner of whose death is not known, it shall be the duty of the next justice of the peace to issue his precept for summoning (or in the absence of such justice, the constable of the town shall forthwith, without precept, summon) a jury of twelve able and discreet men, who shall be sworn by such officer, to enquire of the cause and manner of such person's death; which jury shall present, upon oath, a true verdict thereof, under their hands, unto some justice of the peace in the same county, who shall return the same to the next supreme court held in the same county. And no person found dead in this state shall be buried, until such enquiry as above said has been made. And if any man, summoned to serve as juror to enquire as aforesaid, shall refuse or neglect to appear and attend that service, according to such summons, (unless he shall, within six days after such neglect, give a sufficient excuse to the satisfaction of the justice taking cognizance of the offence) he shall forfeit the sum of ten shillings, and cost, for every such neglect, to the use of the treasury of the town whereto he belongs; to be levied by warrant from the said justice. And that no fee or reward shall be allowed for any of the services aforesaid.

*Sudden
deaths to be
inquired in-
to by a jury.*

*Penalty for
nonappear-
ance.*

An act for the punishment of defamation.

WHEREAS defaming the civil authority of the state greatly tends to bring the same into contempt, and enervate the government.

*Passed
March 9,
1787.
Preamble.*

For the prevention whereof,

BE it enacted by the general assembly of the state of Vermont, That whosoever shall defame any court of justice, or any sentence or proceedings thereof, or any of the magistrates, judges or justices of any such court, in respect of any act or sentence therein passed, and be thereof legally convicted be-
fore

*Punishment
for defam-
ing courts
of justice.*

fore the supreme court in this state, shall be punished for the same by fine, imprisonment, disfranchisement, or banishment, as the quality and measure of the offence, in opinion of the court before which the trial is had, shall deserve.

*Passed
March 3,
1787.*

An act relating to witnesses, and taking affidavits out of court.

Preamble.

FORASMUCH as it is often necessary that witnesses in civil causes should be sworn out of court, when by reason of living more than twenty miles distant from the place where the cause is to be tried, or age, or sickness, or other bodily infirmity, they are rendered incapable of travel and of appearing at court.

To the intent therefore that all witnesses may indifferently testify their certain knowledge, and the whole truth in the case they are to testify unto;

*Affidavits
how taken.*

BE it enacted by the general assembly of the state of Vermont, That for either of the reasons before-mentioned, every justice of the peace may take affidavits out of court, so as a notification with reasonable time be first made out and delivered to the adverse party, if within the state, and within twenty miles of the place of taking such deposition, or left at the place of his dwelling or usual abode, to be present at the time of taking such affidavit, if he think fit.

*Witnesses
to be cau-
tioned, &c.*

And every such witness shall be carefully examined, and cautioned to testify the whole truth, and nothing but the truth, and being sworn, the justice shall attest the same, with the time of taking thereof, and that the adverse party was present, (if so) or that a notification was sent him; and shall seal up the testimony, and deliver it to the party (if desired) at whose request it was taken: and that depositions of witnesses living out of this state, shall be allowed in any court in this state, if taken agreeable to the directions of this act, or the laws of the state where such witnesses shall reside.

*No interest-
ed person,
or attorney,
to draw an
affidavit.*

And no person interested shall write or draw up the testimony of any witness in such case, nor any attorney in his client's cause: and if it manifestly appears that any testimony was written or drawn up by any interested, or the attorney in the cause, or be returned

ed from any justice of the peace by any other than himself, into the court where the same is to be used, unsealed, or the seal having been broken up, all such testimonies shall be rejected by the court, and be utterly void and of none effect in law.

That every justice of the peace shall be, and is hereby empowered, upon request to him made, to grant a summons for the appearance of any witness before him, in any civil cause, where the witness is travelling out of the state before the time of trial, and to take his deposition in such case, the adverse party being present, or notification sent him as aforesaid. *Witnesses maybe summoned to testify*

Provided nevertheless, That witnesses to bonds, specialties, letters of attorney, and other instruments in writing, under the hand of the party executing the same, or to accounts, or testimonies relating to persons out of this state, may be sworn without such notification as aforesaid. *Pro*

That if any person or persons, upon whom any lawful process shall be served, to testify or give evidence concerning any cause or matter depending in any court in this state, and having tendered unto him, her or them, such reasonable sum or sums of money for his, her, or their costs and charges, as having regard to the distance of the place is necessary to be allowed, as the law requires in that behalf, do not appear according to the tenor of the process or summons, having no lawful or reasonable let or impediment to the contrary, that then the party so making default, shall for every such offence, lose and forfeit the sum of three pounds, and shall yield such further recompence to the party damaged, according to the loss and hindrance that he shall sustain by reason of the non-appearance of the said witness or witnesses: the said several sums to be recovered by the party so aggrieved, against the offender or offenders, by action or information, in any court of record. *Penalty for nonappearance of witnesses.*

And be it further enacted by the authority aforesaid, That all witnesses in criminal cases, shall have their expences borne and paid out of the county treasury, where the case is tried in the county courts. And such witnesses that attend the supreme courts, in criminal cases, shall have their necessary expences borne and paid out of the state treasury. *Witnesses for the state w^h*

Passed

*March 8,
1787.*

*For what
causes the
supreme
court may
grant di-
vorces.*

An act relating to bills of divorce.

BE it enacted by the general assembly of the state of Vermont, That no bill of divorce shall be granted to any man or woman lawfully married, but in case of adultery, fraudulent contract, intollerable severity, or wilful desertion for three years, with total neglect of duty ; or in case of seven years absence of one party, not heard of : in which case, and in all others above-mentioned, the supreme court may, and said court is hereby empowered, on due proof, to grant a bill of divorce to the aggrieved party ; and both parties shall thereupon be deemed single, and may lawfully marry again.

*The court
to allow al-
imony.*

And be it further enacted by the authority aforesaid, That it shall be in the power of the court granting such divorce, where the wife shall be the innocent party, or where the same is granted for intolerable severity, to set off to her such part of her husband's estate, according to such husband's degree and circumstances in life, and in such manner as in their discretion shall be thought expedient.

*Passed Feb.
28, 1787.*

*Fine for
drunken-
ness.*

An act for the punishment of drunkenness, gaming and profane swearing.

BE it enacted by the general assembly of the state of Vermont, That if any person shall be found drunk, so that he or she is thereby bereaved of the use of his or her reason and understanding, or the use of their limbs, and be thereof convicted before any justice of the peace, he or she shall forfeit, as a fine, the sum of six shillings, for every such offence, to the treasury of the town where such conviction is had, for the use of the poor thereof : and if the offender shall refuse to pay such fine and cost, and have not goods whereon to make distress, he shall be set in the stocks not exceeding three hours.

*Tavern-
keepers not
to suffer
gaming,
&c.*

And if any tavern keeper, innkeeper, alehouse-keeper, or victualler, shall have or keep, in or about his or their house or houses, yards, gardens, or other places to him or them belonging, any cards, dice, bowls, shuffleboards or billiards, or any instrument for gaming, and shall suffer any person or persons resorting to any of their houses, to use or exercise any of the aforesaid instruments, for any sum or sums of money, goods or liquors, he shall, on conviction thereof, forfeit and pay the sum of five pounds ; the one moiety

moiety thereof to the informer, with costs of prosecution, the other moiety to the treasury of the town where the offence is committed.

And if any person shall play at any such games, on any bet or wager, or shall bet or wage any money or goods, on any horse racing or other sport in any place in this state, he shall forfeit the sum of twenty shillings, and the value of the money or goods which he shall so bet, wage, play for, or win, to the use of the town where the offence is committed; to be recovered by the treasurer of such town, by action of debt, before any court proper to try the same.

Penalty for gaming.

And that if any person shall rashly, vainly, or profanely, swear by the name of God, or any other oath, or shall sinfully and wickedly curse any person or persons; such person so offending, shall, upon conviction before any justice of the peace, forfeit and pay for every such offence, the sum of six shillings: and if such person so convicted, be unable, or shall refuse to pay such fine, he shall sit in the stocks not exceeding three hours, nor less than one hour, and pay cost of prosecution.

Penalty for swearing and cursing.

An act for regulating the election of governor, lieutenant governor, council, treasurer and representatives.

*Passed
March 8,
1787.*

BE it enacted by the general assembly of the state of Vermont, That the first constables in the several towns in this state, without further order, shall set up a warning at such places as shall be appointed by the several towns, at least twelve days before the first Tuesday of September, annually, notifying the freemen to meet at some place by them agreed upon in their respective towns, on the said first Tuesday of September, at nine of the clock in the morning; at which time they shall cause this act to be read openly. The freemen shall then proceed, first, to choose one representative to attend the general assembly for the year ensuing, on the second Thursday of the succeeding October; (the constable having, from time to time, for the space of two hours previous to counting the votes, called on the freemen to bring in their votes for a representative; at the expiration of which time, the votes shall be counted, and if no choice shall be made, then the said constable shall be at liber-

The first constable to warn the freemen to meet, to choose governor, &c.

The order of the choice

ty to count the votes afterwards brought in without such delay.) Secondly, the freemen shall severally bring in to the constable present, the name of the person they would choose to be governor for the year ensuing, fairly written, on a piece of paper; which ballots the said constable shall receive, and, in the presence of the freemen, seal up, and write on the outside of the paper so sealed, the name of the town and these words, viz. *votes for the governor*: and shall proceed in like manner with respect to the votes for the lieut. governor, and treasurer. Then said constable shall call upon the freemen to give in their votes for twelve councillors, for the year ensuing, with their names fairly written; which votes shall be counted and sorted by said constable, who shall then make a proper list, on one sheet or piece of paper, of the names of the several persons voted for, with the number of votes for each person affixed to his name; which paper shall be sealed up by said constable, in the presence of the freemen; and there shall be wrote, on the outside thereof, the name of the town, and then these words, viz. *votes for councillors*, and the same shall be delivered to the representative chosen in the town to attend the general assembly, who shall deliver the same to said assembly on the second Thursday in October then next. And any votes which shall be otherwise taken and sealed up, than is above directed, and presented to the assembly, shall not be sorted and counted by the committee appointed for that purpose.

A committee to count the votes.

And at the opening of the general assembly, there shall be a committee appointed from the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the governor; and declare the person who has the major part of the votes, to be governor for the year ensuing: and if there shall be no choice made, then the council and general assembly, by their joint ballots, shall make choice of a governor. And the lieutenant governor and treasurer shall be declared, and if necessary, chosen in like manner. Then said committee shall proceed to receive, sort, and count, the votes for the councillors; and the twelve highest in nomination shall be declared to be chosen councillors for the year ensuing.

And be it further enacted by the authority aforesaid, That

That if any constable shall refuse or neglect to attend *Penalty on* such order as aforesaid, (annually) he shall forfeit *constables* and pay a fine to the treasury of the county, not ex- *for neglect.* ceeding the sum of fifty pounds, for every such neglect.

And if no constable be present at such freemen's *Justice, &c* meeting, a justice of the peace, or one or more of *may supply* the selectmen of said town, shall supply the place of *the place of* the constable. *constable.*

Be it further enacted by the authority aforesaid, That every freeholder of the full age of twentyone years, *Qualifica-* having resided in this state for the space of one year *tions of* next, before the election of representatives, and who *freemen.* is of a quiet and peaceable behavior, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this state, viz.

You solemnly swear (or affirm) in the presence of Freeman's Almighty God: that whenever you give your vote or suf- *oath.* frage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man. So help you God. (Or, under the pains and penalties of perjury.)

Be it further enacted by the authority aforesaid, That no person shall be admitted to take the freeman's oath, *Selectmen* until he shall have obtained the approbation of the se- *to appro-* lectmen of the town, signifying that he is qualified *bate.* according to this act; which oath any one justice of the peace, or the town clerk in their absence, is hereby empowered to administer.

And all such persons, admitted and sworn as afore- *Freemen's* said, shall be freemen of this state; and their names *names to be* shall be enrolled in a roll, in the town clerk's office *enrolled.* of that town wherein they are admitted as aforesaid.

And that if any freeman in this state shall walk scandalously, or commit any scandalous offence, it shall be in the power of the supreme court in this state, on *Supreme* complaint thereof to them made, to disfranchise such *court may* freeman; who shall stand disfranchised, until by his *disfranchise* good behavior the said supreme court shall see cause to restore him to his freedom again; which the said court is empowered to do.

And if any person, who is not a freeman of this *Penalty for* state, admitted and sworn according to law, shall *illegal vot-* presume to vote, or give in his ballot, in the election *ing.* of

of any of the members of the general assembly, or for a governor, lieutenantgovernor, treasurer, or councillors; or if any freeman shall put in more than one vote for one person, in the same election to one office, he shall pay a fine of five pounds to the treasury of the town where such offence is committed:

*Passed
March 3,
1787.*

*By whom
the appraisal
&c. to be
made.*

An act for the settlement of testate and intestate estates.

BE it enacted by the general assembly of the state of Vermont, That the executor or executors, named by the testator of any last will or testament, or such other person or persons to whom the administration of the estates of persons deceased shall be committed, calling or taking to him or them, two or more judicious and disinterested freeholders, to be appointed by the judge of probate who shall prove the will or grant letters of administration, shall cause to be made by the said freeholders, (being under oath) a true and perfect inventory and appraisal of all the estate whatsoever of the person deceased, as well real as personal; and the same shall cause to be made of two parts, whereof one part by the said executor or executors, administrator or administrators, shall be delivered to the said court of probate, and the other part to be and remain with the said executor or executors, administrator or administrators.

*Penalty on
executors
for neglect
to prove the
will.*

That if any executor or executors of the last will of any person deceased, knowing of his or her being so named or appointed, shall not within thirty days next after the decease of the testator, cause such will to be proved and recorded in the register's office of that district where the deceased person last dwelt, or present the said will and declare his or their refusal of their executorship; every executor so neglecting his or her trust or duty in that behalf (without just excuse made and accepted by the judge of probate for such delay) shall forfeit the sum of three pounds per month, from and after the expiration of the thirty days, untill he or they shall cause probate of such will to be made, or present the same as aforesaid. And upon such refusal of the executor or executors, or on his or their refusal to give bond with sufficient surety, for the faithful discharge of his or their trust, if the judge of probate shall think the same to be necessary, the court of probate shall grant administration

tion of the estate of the deceased, with the will annexed, unto the widow, or next of kin to the deceased; and upon their refusal, incapacity or absence from the state, to one or more of the principal creditors, as the court shall think fit.

And if the executor or executors of any last will or testament presented for probate, to any of the courts of probate in this state, shall not within the space of two months next after the probate of such last will and testament, cause such inventory to be made as aforesaid, and the same to be exhibited in the register's office of the same court of probate where the said will was accepted and recorded; every executor so neglecting his or her trust, in that case (without just excuse made to the judge of said court, and accepted for such delay) shall forfeit the sum of three pounds per month, from and after said two months are expired, until he or they shall inventory the said estate, and exhibit the said inventory as aforesaid.

And exhibit an inventory.

Every such forfeiture, as well for not causing the will to be proved, as for not exhibiting an inventory as aforesaid, shall be and belong to him or them who shall sue for the same, and prosecute to full effect; to be recovered by action or information in the county where the testator last dwelt.

Disposition of forfeitures.

And if any person or persons shall alienate or embezzle any of the goods or chattels of any person deceased, before he or they have taken out letters of administration, and exhibited a true inventory of all the known estate of the said deceased, all and every person so acting, shall stand chargeable and be liable to the actions of the creditors and other persons grieved, as being executors in their own wrong.

Penalty for embezzlement.

Be it further enacted by the authority aforesaid, That no wills or testaments wherein there shall be any devise or devises of real estate, shall be holden good, and allowed for any such devise or devises, if they are not witnessed by three witnesses, all of them signing in the presence of the testator.

Three witnesses to a will.

And for preventing fraud in concealing any part of the estate of any person deceased,

Be it further enacted by the authority aforesaid, That if any person or persons in this state, shall have in his or their custody or possession, any goods or chattels belonging to the estate of any deceased person, or any deeds, bills, bonds, notes, accounts, or other such things

Persons having goods, &c. in possession, to deliver them up,

things as may tend to disclose such estate ; and upon demand of the same made by the executor or administrator of such estate, shall refuse to make delivery, or give a satisfactory account thereof, to the said executor or administrator, it shall be in the power of any justice of the peace of the same county, upon complaint thereof made to him by the said-executor or administrator, to issue a warrant to some fit person to apprehend such offender, and to bring him or her before such justice, who may bind such person with sufficient sureties, to appear before the next court of probate: and the said court is hereby empowered to examine such offender or offenders, under his or their oaths, upon such interrogatories touching such goods, chattels, deeds, bills, bonds, notes, accounts, and other things tending to disclose the estate aforesaid, as the said court shall think fit: and if the offender or offenders shall refuse to be examined therein under oath, or to answer fully to such interrogatories to be administered or put to such person or persons by the said court of probate, it shall be lawful for the said court to commit every such offender to the common goal, there to remain until such person shall better conform.

or be imprisoned.

Relief for persons aggrieved by appraisal.

Be it further enacted by the authority aforesaid, That if any of the creditors, or legatees of the deceased, are aggrieved by the appraisement of the estate made by the administrator, or the persons appointed for that purpose, they may have relief by application to the court of probate that granted administration ; which court is hereby empowered and required to appoint twelve good and lawful men of the neighborhood, and to swear them to make a new appraisement of the estate at the then true value and worth thereof in money, according to their best skill : & the said administrator shall be accountable for such estate according to the appraisement thereof made by the twelve men ; and if he make payment of debts or legacies therewith, or any part thereof, the creditors or legatees shall have such estate at the value stated by such appraisers.

Provido.

Provided, said application be made to such court within three month, after the inventory of such estate be exhibited into the registry of said court, and not after.

Be it further enacted by the authority aforesaid, That
when

when any person dies intestate, administration of such *Court to*
 intestate's estate shall be granted to the widow, or *grant let-*
 next of kin to the intestate, or both, as the court of *ters of ad-*
 probate shall judge fit; and on granting administra- *ministra-*
 tion on the estates of intestates, or others whomso- *tion, &c.*
 ever, the court of probate granting such administra-
 tion, shall take sufficient bond, with surety, at the
 discretion of the said court, of such person or persons
 to whom administration is granted as aforesaid, for a
 faithful discharge of that work: which bond shall be
 conditioned according to the form hereafter in this
 act directed.

And the court of probate shall cause a citation to be
 made out to the widow, or next of kin within this state
 capable to execute said trust, and upon their neglect
 of appearance, or refusal, may commit administration
 of any estate which an executor does not administer,
 to some one or more of the chief creditors, if accept-
 ed by him or them, or others, as the said court shall
 think fit upon their refusal.

Be it further enacted by the authority aforesaid, That
 the courts of probates (debts, funeral, and all other *To make*
 just expences of all sorts, being by said court first de- *division,*
 ducted) shall, and are hereby fully empowered, to
 order and make a just division and distribution of the
 surplusage, or remaining goods or estate of such in-
 testate, as well real as personal, in manner following,
 that is to say, one third part of the personal estate to
 the widow of the intestate (if any be) forever, be-
 sides her dower or thirds in the houses and lands dur-
 ing life, where such widow shall not be otherwise
 endowed before marriage; and all the residue and
 remainder of the real and personal estate, by equal
 portions to and among the children, and such as shall
 legally represent them, (if any of them be dead) other
 than such children who shall have any estate by set-
 tlement of the intestate in his life time, equal to the
 other shares; children advanced by settlement or
 portions not equal to the others shares, to have so
 much of the surplusage as to make the estates of all,
 of the same sex, to be equal: and the same shall be
 so divided as that the male heirs may have their parts
 in the real estate so far as the estate will allow; and
 where there are no sons the daughters shall inherit as
 copartners, provided that the portions or shares of the
 sons (if any be) shall be double to the shares of the
 daughters.

H

And

*By three
freeholders.*

And the division of the estate shall be made by three sufficient freeholders, under oath, or any two of them, to be appointed by the said court of probate, unless all the persons interested in any estate, being legally capable to act, shall mutually agree upon a division among themselves, and present the same in writing under their hands and seals; in which case such agreement shall be accepted and allowed for a settlement of such estate, and accounted valid in law, being acknowledged by the parties subscribing, before the said court of probate, or before a justice of the peace, and put upon record in the records of said court.

Proviso.

Provided nevertheless, That when any estate in houses and lands cannot be divided among the children without prejudice to or spoiling of the whole, being so represented and made to appear unto the said court of probates, the said court may order the whole to the eldest son, if he accept of it, or to any other of the sons successively (upon his refusal) he, to whom it shall be ordered, paying to the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisement thereof, to be made by three sufficient freeholders upon oath, to be appointed and sworn as aforesaid; or giving good security to pay the same at some convenient time, as the said court of probate shall limit, with interest not exceeding six per cent. per annum.

*Portions of
dead heirs
to be divid-
ed, &c.*

And if any of the children happen to die before he or she come of age or be married, the portion of such child deceased, shall be equally divided among the surviving children, and their legal representatives. And in case there be no children, nor any legal representatives of them, then one moiety of the personal estate shall be allotted to the widow of the intestate forever, and one third of the real estate for term of her life: the residue of the real estate received by descent, gift or devise, from his or her parent, ancestor or other kindred, shall belong to the brethren and sisters of the intestate and those who legally represent them, of the blood of the person or ancestor from whom such estate came or descended, in proportion as aforesaid: and in case there be no such brothers or sisters, nor legal representatives as aforesaid, then such real estate derived as aforesaid, shall be and remain to

*Estates how
divided if
no children.*

the

the next of kin to, and of the blood of said ancestor, or person from whom such real estate is derived as aforesaid: and the remainder both of the real and personal estate, in proportion as aforesaid, to every of the brethren and sisters of the intestate, of the whole blood, and such as legally represent them: or, if there be no such kindred, then to the parent or parents of the intestate. And if there be no parents, then in proportion as aforesaid, to every of the brothers and sisters of the half blood of the intestate: but if there be no parent, brother, or sister, then in proportion as aforesaid, to every of the next of kin to the intestate, in equal degree, and those who legally represent them: kindred of the whole blood to take in preference to kindred of the half blood in the same degree.

And if there be no widow, all shall be divided and distributed among the kindred in manner aforesaid.

If no widow.

And every one to whom any share or part shall be allotted, shall give bond, with sureties, before the said court of probates, (if debts afterwards be made to appear) to refund and pay back to the administrator his or her rate or part thereof, and of the administrator's charges.

Heirs to give bond, &c.

And the widow's thirds or dower in the real estate, at the expiration of her term to be also divided as aforesaid, if the same remain then undivided.

Widow's dower to be divided.

Be it further enacted by the authority aforesaid, That it shall be in the power of the administrator or administrators of any intestate estate, when there shall be any sum or sums of money, or any personal estate, to be divided among the heirs of such intestate, being minors, to vest the same, or any part thereof, in lands, for the use of such minors and their heirs, in such proportion as such money or personal estate should otherwise have been distributed, with the consent of their respective guardians, at the discretion and under the direction of the judge of probate.

Administrators may vest the estates of minors in lands.

Be it further enacted by the authority aforesaid, That every married woman, living with her husband in this state, or absent from him elsewhere, with his consent, or through his mere default, or by inevitable providence; or in case of divorce, where she is the innocent party, that shall not before marriage be entailed, by way of jointure, in some houses, lands, tenements, or hereditaments, for term of life, or with

Widows to have one third of the real estate during life.

with some other estate in lieu thereof, shall immediately upon and after the death of her husband, have a right, title, and interest, by way of dower, in and unto one third part of the real estate of her deceased husband, in houses and lands, which he stood possessed of in his own right, at the time of his decease, to be to her during her natural life; the remainder of the estate to be disposed of according to the will of the deceased, and where there is no will, according to law.

Provided always, That this law shall not extend to the widows of those that have been, or may be, guilty of treason.

And for the more easy and speedy ascertaining such right of dower,

*Widow's
dower to be
set out in
60 days.*

It is further enacted by the authority aforesaid, That upon the death of any man possessed of any real estate as aforesaid, which his widow, by this act as before expressed, has a right of dower in, if the person or persons that by law have a right to inherit such estate, do not within sixty days next after the death of such husband, by three sufficient freeholders of the same county, to be appointed by the judge of probate in whose district the estate lies, and sworn for that purpose, set out and ascertain such right of dower; that then such widow may make her complaint to the judge of probate in whose district the estate lies, which judge shall decree and order, that such woman's dowry shall be set out and ascertained by three sufficient freeholders of the county, who shall be sworn faithfully to proceed and act therein, according to their best skill; and the said dower being set out and ascertained in either of the methods aforesaid, the doings of such freeholders shall be returned to the judge who ordered the dower to be set out as aforesaid, and upon approbation thereof by the said judge, said dower shall remain fixed and certain: and all persons concerned therein shall be concluded thereby.

*Buildings
to be left in
repair.*

And every widow, so endowed as aforesaid, shall maintain all such houses, buildings, fences, and enclosures, as shall be assigned and set out to her for her dowry, and shall leave the same in good repair.

And if such widow, or her assigns shall not maintain, and keep in good repair, such houses, buildings, fences and enclosures, as shall be assigned and set out

to her as aforesaid, it shall be in the power of the *Widow* county court in which such estate is, upon applica- *neglecting,* tion to them made, to deliver so much of the said *county court* houses and lands to the next heir of the same, and *may deliver* for so long a time, as in their judgment shall be suf- *it to the* ficient, out of the rents or profits thereof, to repair *heir.* such defects; unless such widow, or her assigns, shall give good security for the leaving such houses, buildings, fences, and enclosures, in sufficient repair.

Always provided, and it is hereby enacted, That if any person be aggrieved at any order, sentence, or *An appeal* decree, of any court of probates, made for the set- *allowed.* tlement and distribution of any intestate estate, or at any other order, sentence, decree, or denial, that shall at any time be made and given by the said court of probates, referring to the approbation of any will, grant of administration, or other matter, such person may appeal therefrom to the supreme court:— provided they give security, and enter and prosecute such appeals within the times limited for that purpose, as is provided and directed in the law regulating appeals in civil actions.

Be it further enacted by the authority aforesaid, That every court of probate shall, upon granting admini- *Court to* stration upon the estate of any deceased person, take *take bond.* bond with surety or sureties, to the judge of the said court, and his successor in that office, with this condition, viz.

“ The condition of the above obligation is such, *Conditio* that if the above bounden A. B. administrator of all *thereof.* and singular the goods, chattels, credits, and estate of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, credits and estate of the said deceased, which have or shall come to the hands, possession, or knowledge, of the said A. B. or into the hands or possession of any person or persons for him; and the same so made, do exhibit, or cause to be exhibited, into the registry of the said court of probates in the district of —, at or before the — day of — next ensuing; and the same goods, chattels, credits and estate, and all others of the goods, chattels, credits and estate, of the said deceased, at the time of his death, which at any time after shall come into the hands or possession of the said A. B. or into the

the hands or possession of any person or persons for him, do well and truly administer according to law. —And further do make, or cause to be made, a true and just account of his said administration, at or before the — day of —, and all the rest and residue of the said goods, chattels, credits and estate, which shall be found remaining upon the said administrator's account, (the same being first examined and allowed by the said court of probates) shall deliver or pay unto such person or persons respectively, as the said court of probates, by their decree or sentence, pursuant to the true intent and meaning of the law, shall limit and appoint: and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named exhibit the same into the said court, making request to have it allowed and approved accordingly:—if the said A. B. being thereunto required, do render and deliver the said letters of administration, (approbation of such testament being first had and made) in the said court, then this obligation to be void and of no effect, or else to remain in full force and virtue."

When personal estate is insufficient, court may order sale of real estate. *And be it further enacted by the authority aforesaid,* That when the debts and charges allowed by the said court of probate, in the settlement of any intestate estate, (or any testate estate where provision is not made by the will of the testator) shall exceed the personal estate, it shall be lawful for the judges of such courts respectively, to order the sale of so much of the real estate as shall be sufficient to pay the same, with the incidental charges of sale, in such manner as shall appear to them to be most for the benefit of such estates; which sales shall be made by a commissioner or commissioners appointed by the judge, and when made, shall be good and effectual in law.

Houses, &c. to be kept in repair.

And all such houses and buildings as appertain to the estate of any person deceased, shall be kept and maintained in tenantable repair by the revenue of the lands belonging to such estate; and shall in such repair, be delivered to the heirs or legatees, at the time of the division or distribution thereof (extraordinary casualties excepted).

Insolvent estate to be disposed of. *Be it further enacted by the authority aforesaid,* That when the estate of any person deceased shall be insufficient to pay the just debts charged upon the same, such estate shall be disposed of by the administrator, in

in the best way and manner as the judge shall order ; and the produce thereof divided and distributed to the creditors in proportion to the sums respectively due to them, so far as the estate will extend ; saving the debts due to this state, and for the last sickness, and necessary funeral charges, which shall be first paid.

And the executor, or administrator, appointed to administer on such insolvent estate, before payment be made to any person, (except as before excepted) shall represent the condition and circumstances thereof to the judge of probate, who shall nominate and appoint two or more fit and indifferent persons commissioners, who shall be sworn to a true and faithful performance of their trust, and who shall then proceed to appoint times and places to sit and examine the claims on such estate, and publish the same, by setting up or posting notifications thereof in some public place in the town where such deceased person last resided, & in one or more of the newspapers printed in this state, and in such other places as the judge shall direct. And the said judge shall allow two, six, twelve, or eighteen months, (as the circumstances of the estate may require) for the creditors to bring in their claims and prove their debts ; and the same further to prolong, if such judge shall determine it to be necessary : at the end of which limited time such commissioners shall make their report, and present a list of the claims to the said judge, who shall order them meet recompence out of said estate.

Executor's duty.

And the debts due to this state, and for the last sickness, necessary funeral charges, and cost of settlement, being deducted (such estate being found to be insolvent) the Judge shall order the remainder to be divided to the other creditors who shall have made out and evidenced their claims as aforesaid ; saving to the widow (if any be) such household goods as in this act hereafter are allowed to her, and her dower during life ; which shall also be sold by the administrator immediately, with the incumbrance of the widow having the use thereof during her life.

Debt due to the State. &c. to be first paid.

Provided, That where the widow and two thirds in value of the creditors, shall mutually agree upon a portion of the real estate to be assigned to her during her life, or of the personal estate to be set off to her forever, in lieu of her dower, with the approbation of the court of probate, the same shall be valid and binding.

Provide.

Provided

Provido.

Provided also, That notwithstanding the report of any such commissioners, or allowances thereof made by the court of probate, it shall and may be lawful to and for the executors or administrators aforesaid, to contest the proof of any debt at common law. And no process in law (except for debts due to this state, and for sickness, and funeral charges) shall be admitted against the executors or administrators of any estate represented insolvent, so long as the same shall be depending as aforesaid.

Creditor neglecting, to be debarred.

And whatsoever creditor shall not make out his or her claim with such commissioners, before the full expiration of the time set and limited for that purpose as aforesaid, said creditor shall forever be debarred of his or her debt, unless he or she can shew or find some other or further estate of the deceased, not before discovered and put into the inventory.

Notifications, to be published under directions of the judge.

And be it further enacted by the authority aforesaid, That the executors or administrators of any estate, may publish a notification, under the direction of the judge of probate, requiring all persons, having any demands on such estate, to bring in their claims within such time as the said judge shall appoint, not exceeding eighteen months; which notification shall be posted and published, in such manner, and in such places, as the said judge shall direct, so as most effectually to notify the creditors: and every creditor who shall not exhibit his debt or demand against such estate, to the executors or administrators, within the time limited by said judge, shall be forever barred his, her, or their debt or demand.

Allowance to widow where estate is insolvent.

And be it further enacted by the authority aforesaid, That when it shall happen, that the personal estate of a deceased intestate, leaving a widow, is not sufficient for the payment of the debts of the said deceased, besides such household goods as are necessary for the support of life, and are exempted from execution in the law, entitled, *An act directing and regulating the levying and serving executions*, in such case, the court of probate that grants administration on the estate of the deceased, shall, in his discretion, order unto the widow of the deceased, such necessary household goods as are expressed in that act, for her use, during life.

And be it further enacted by the authority aforesaid, That when, and so often as there shall be occasion, the

the courts of probate in the several districts in this state, shall be, and they are hereby impowered, to allow of guardians, who shall be chosen by minors of age by law for choosing guardians, and to appoint guardians for such as shall be within that age; and that when it shall so happen that there shall be any minor of age for choosing a guardian, who hath neither father, guardian or master, then each and every of the judges of the said courts of probate, within whose district such minor lives or resides, shall notify such minor to appear before him, and elect some fit person to be his or her guardian; which being done, the same may be allowed as aforesaid. and upon refusal or neglect to make such choice or election, such judge shall appoint, and the respective judges aforesaid are hereby empowered to appoint, a guardian for such minor neglecting or refusing as aforesaid. And the power and authority of such guardian shall be as good and effectual to all intents and purposes, as if first elected by such minor, and thereupon allowed as aforesaid.

Courts to allow of & appoint guardians.

And every judge of probate, on his allowing or appointing any guardian as aforesaid, shall take sufficient security of all such guardians for the faithful discharge of their trust, according to law; and oblige them to render an account of their guardianship to the court or minor, when such minor shall arrive at full age, or at any other time which the said court of probate, upon complaint to them made, shall see cause to appoint.

Taking security.

And such guardians may at any time during the continuance of their said guardianship, account with the judge of probate of the district, upon their own application.

Guardians when to account.

An act directing and regulating the levying and serving of executions.

Passed Feb. 28, 1787.

For duly regulating the service of executions.

BE it enacted by the general assembly of the state of Vermont, That when any judgment is recovered, and execution taken out thereon, the sheriff or other officer to whom execution is directed, shall repair to the place of the debtor's usual abode, if within his precinct, and there make demand of the sum or debt due on such execution, with all necessary charges of executing the same; and upon refusal or neglect of the same, the officer shall levy the execution

Officer to demand debt and charges.

*Goods ex-
empted.*

ecution upon any of the moveable estate of the debtor, except one cow, and necessary apparel, bedding, tools, arms, or implements of his household necessary for upholding life; but not on such goods as last aforesaid, unless presented by the debtor.

*Goods to be
posted 20
days,*

And the officer shall forthwith draw an account of the goods or estate he shall so seize and take, and set up the same on the signpost of the town wherein he shall seize the same, or at such other place as may be agreed upon between the officer and debtor; and the officer shall set up together with such accounts, a notification, that the goods so posted, are to be sold at the place where such notification was set up, at a time to be therein mentioned, not less than twenty days from the time of sitting up such notification.

*and then
sold.*

And in case the debtor shall not, within the said twenty days, pay the debt, and all the cost and charges arising thereon, the officer shall cause public proclamation to be made at the place of sale, to give notice that such goods, or so many of them, are to be sold as shall be necessary there, at an outcry, to the highest bidder: and of the effects thereof the officer shall pay the debt and charges due to the creditor, and satisfy himself for his own fees and charges, and the overplus (if any be) return to the owner thereof.

Proviso.

Provided, That whenever an officer shall levy on any personal estate, if the creditor shall chuse to have the same appraised to him, it shall be lawful for such officer to cause such property to be appraised to the creditor, in satisfaction of his debt in the manner herein after directed, in case of appraising real estate. That in case moveable or personal estate of the debtor sufficient to satisfy the debt and charges cannot be found, and the creditor shall not agree to accept or take the debtor's lands, the officer shall levy the execution on the debtor's body, and him commit to the common goal, in the county in which the execution is levied; where the debtor shall remain untill he shall pay the debt and charges, with the officer's and prisonkeeper's fees, or be otherwise discharged by due course of law. And every officer who shall commit any person to prison, by virtue of any distress or execution, shall deliver a copy of such writ or execution, and of his return, signed by such officer, to the goaler or prisonkeeper; which copy so signed and delivered

delivered shall be a sufficient warrant or order to the goaler to receive such person or persons, and him or them to hold in safe custody till delivered by law.

And be it further enacted by the authority aforesaid, That all lands and tenements belonging to any person in his own proper right, in fee, shall stand charged with all the just debts owing from such person, as well as his personal estate, and shall be liable to be taken in execution for the same, at the election of the creditor, where the debtor or his attorney shall not expose and tender personal estate sufficient to satisfy the execution, and charges: And all executions, duly served upon any such houses and lands, with the return of the officer thereon, being recorded in the records of lands in the town wherein such houses and lands are situate, or in the office where deeds respecting such lands ought by law to be recorded, and also returned into the office of the clerk of the court or justice where the same issued, & there recorded, shall against the debtor his heirs and assigns, make a good title to the party for whom they shall be taken, his heirs and assigns forever.

Lands taken, executions, &c. to be recorded.

And whenever any execution shall be levied on lands, the same shall be appraised by indifferent freeholders of the vicinity of the town or place where such lands lie, or if that town be a party, then of the next adjoining town; one of whom may be chosen by the debtor, and another by the creditor, and if they do not agree in choosing a third, or if either party neglect to choose, the officer shall apply to the next justice of the peace, who by law may judge between the parties in civil causes; which justice shall appoint one or more appraisers, as the case may be; which appraiser may be sworn by the officer according to law.

Parties to choose appraisers.

And it shall be the duty of the officer to cause execution, with his indorsement thereon to be entered on the town records, or in the proper office, as aforesaid, before he return the same; and the officer shall have two shillings for causing the same to be recorded, with additional fees for his travel.

Fee for recording executions, &c.

And all writs of execution, issued by the respective county courts, or by a justice of the peace, shall run into any county, or place within this state, and be there executed by any officer to whom directed.

The extent of executions.

And every writ of execution, issued by the supreme

Time of return.

*Sheriffs &
constables
power.*

premie or any county court, shall be made returnable within sixty days or to the next court, (if not less than sixty days) at the election of him who prays it out. And all constables, as well as sheriffs, shall have power to execute any writ of execution to them directed, within their own precincts.

*Passed
March 9,
1787.*

An act for the regulation of fees.

BE it enacted by the general assembly of the state of Vermont, That the fees to be taken by the several officers of this state herein after mentioned, so far as the same are particularly enumerated, be as follows, viz.

Governor's fees.

Governor's fees. On signing each charter for a township of six miles square, or more, £. 2 8 0
And in proportion for a less quantity.

Lieutenant governor's fees.

Lieut. gov. fees. For attending the council per day. 0 15 0
Travel per mile out, 0 0 4

Councillors' fees.

Councillor's fees. For attending the council per day, 0 7 0
Travel per mile out, 0 0 4

Representative's fees.

Representatives fees. For attending the general assembly per day 0 6 0
The speaker of the gen. assembly per day 0 12 0
Clerk of the general assembly per day. 0 12 0
Travel per mile out, 0 0 4

Supreme court's fees.

Supreme court's fees. Chief judge while on the circuits, per day, 0 18 0
Each of the other judges, while on the circuits, per day, 0 15 0
For recognizance, and allowing and signing a writ of error, audita querela, or certiorari, } 0 4 0
To the jury for each action tried, 1 4 0
And there shall be paid into the clerk's hands for the benefit of the judges attending, for each action tried, } 0 15 0
And for each default or confession, 0 6 0

Clerk of supreme court's fees.

Clerk of supreme court's fees. For each day's attendance on the court while on the circuits, 0 10 0
Entering each action for trial, 0 2 0
Entering each judgment by default or confession, 0 2 6

Recording

Recording each judgment on demurer and after verdict,	£. 0	4	6
Taking each recognizance in court,	0	1	0
Filing each recognizance, testimony, and other necessary paper,	0	0	6
Every rule of court.	0	0	9
Every execution,	0	1	6
Copies of each paper so much as shall be taxed by the court according to the length.			

For other services not herein enumerated, such sum as shall be allowed by the court

County court's fees.

For each judgment after verdict, or on demurer, to be paid to the clerk for the benefit of the judges attending,	0	4	0	<i>County court's fees.</i>
For each default or confession,	0	2	0	
For each licence to a tavernkeeper,	0	3	0	
On the first entry of each action,	0	4	0	
The chief judge's share of the above perquisites, to be one quarter part more than that of either of the side judges.				
Bond, allowance, and signing an audita querela, for each signer,	0	3	0	
To the jury for each action tried,	0	18	0	

Clerk of county court's fees.

Entering each action,	0	1	0	<i>Clerk of county court's fees.</i>
Entering each judgment by default or confession,	0	1	6	
Entering each judgment on demurer or after verdict,	0	3	0	
Every appeal or review,	0	2	0	
Filing each recognizance, testimony, and other necessary paper,	0	0	4	
Taking each recognizance in court,	0	1	0	
Entering the common rule in ejectment,	0	1	6	
Every other rule or order of court,	0	0	6	
Every execution, including the filing of the same,	0	1	6	
For each licence to a tavernkeeper,	0	1	0	
Copies of each paper, such sum as shall be allowed by the court, according to the length				
For other services not herein particularly enumerated, such sum as shall be allowed by the court.				

*Sheriffs &
constables
power.*

*Passed
March 9,
1787.*

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Clerk of the general assembly per day. 0 12 0
Travel per mile out, 0 0 4

Supreme court's fees.

Supreme court's fees. Chief judge while on the circuits, per day, 0 18 0
Each of the other judges, while on the circuits, per day, 0 15 0
For recognizance, and allowing and signing a writ of error, audita querela, or certiorari, } 0 4 0
To the jury for each action tried, 1 4 0
And there shall be paid into the clerk's hands for the benefit of the judges attending, for each action tried, } 0 15 0
And for each default or confession, 0 6 0

Clerk of supreme court's fees,

Clerk of supreme court's fees. For each day's attendance on the court while on the circuits, 0 10 0
Entering each action for trial, 0 2 0
Entering each judgment by default or confession, 0 2 6

Recording

Recording each judgment on demurer and
after verdict,

£. 0 4 6

Taking each recognizance in court,

0 1 0

Filing each recognizance, testimony, and
other necessary paper,

0 0 6

Every rule of court.

0 0 9

Every execution,

0 1 6

Copies of each paper so much as shall be
taxed by the court according to the
length.

For other services not herein enumerated,
such sum as shall be allowed by the court

County court's fees.

For each judgment after verdict, or on
demurer, to be paid to the clerk for
the benefit of the judges attending,

0 4 0

*County
court's fees.*

For each default or confession,

0 2 0

For each licence to a tavernkeeper,

0 3 0

On the first entry of each action,

0 4 0

The chief judge's share of the above
perquisites, to be one quarter part
more than that of either of the side
judges.

Bond, allowance, and signing an au-
dita querela, for each signer,

0 3 0

To the jury for each action tried,

0 18 0

Clerk of county court's fees.

Entering each action,

0 1 0

Entering each judgment by default or
confession,

0 1 6

Entering each judgment on demurer or
after verdict,

0 3 0

Every appeal or review,

0 2 0

Filing each recognizance, testimony, and
other necessary paper,

0 0 4

Taking each recognizance in court,

0 1 0

Entering the common rule in ejectment,

0 1 6

Every other rule or order of court,

0 0 6

Every execution, including the filing
of the same,

0 1 6

For each licence to a tavernkeeper,

0 1 0

Copies of each paper, such sum as
shall be allowed by the court, ac-
cording to the length

For other services not herein particular-
ly enumerated, such sum as shall be
allowed by the court.

*Clerk of
county
court's fees.*

*Justices
fees.**Justices fees.*

For drawing a writ,	£.0	1	0
Signing a summons,	0	0	6
Signing all attachments or summonses, when bond is given,	0	0	9
Subpoena for each witness,	0	0	4
For judgment, in each action tried,	0	2	6
If on the verdict of a jury,	0	3	0
Every execution,	0	1	6
Each continuance,	0	1	0
Every warrant for criminals, and bond,	0	2	3
Copy of each evidence,	0	1	0
Copy of judgment,	0	1	0
Recognizance,	0	1	0
Each venire for a jury,	0	0	8
Judgment on confession, or default,	0	1	0
Affidavits taken out of court,	0	1	0
Taking the acknowledgment of a deed, &c.	0	0	8

*Judge of
probate's
fees.**Judge of probate's fees.*

For granting administration,	0	2	0
If the inventory exceeds fifty pounds,	0	3	0
Receiving and proving each will, where the inventory does not exceed fifty pounds,	0	2	0
If the inventory exceed fifty pounds,	0	3	0
Allowing of accounts, settling and di- viding intestate estates,	0	5	0
Every necessary order or rule,	0	1	0
Appointment of persons to inventory and appraise an estate,	0	1	6
Appointing a committee to set off a widow's dower,	0	1	6
Appointing guardians,	0	2	0

*Clerk of
probate's
fees.**Clerk of court of probate's fees.*

For drawing and filing administration bond,	0	2	0
Each letter of administration,	0	1	6
Drawing probate of a will, where the in- ventory does not exceed fifty pounds,	0	2	0
Where it does exceed fifty pounds,	0	2	6
Recording or copying a will, invento- ry, or other necessary paper, for each hundred words,	0	0	5
Every citation,	0	0	9
Every quietus or acquittance,	0	2	6
Making			

Making out a commission, to receive
and examine the claims of creditors
to insolvent estates, } £. 0 2 0

Registering the same, } 0 1 0

Entering an order upon the administrator
to pay out the estate, in proportion,
unto the several creditors returned
by the commissioners, } 0 1 6

Entering every other necessary order or
rule, } 0 0 6

Drawing and filing ever guardian bond, } 0 2 0

For every other necessary service, not
herein particularly mentioned, such
sum as shall be allowed by the judge. }

Secretary of the state's fees.

For recording laws in the state records,
for every hundred words, } 0 0 5 *Secretary of
state's fees.*

For receiving and filing each petition of a
private nature, } 0 0 8

For receiving and filing each petition for
land, } 0 0 5

For copies of laws, petitions, &c. for
each hundred words, } 0 1 0

For each citation between party and
party, } 0 1 0

And there shall be paid to the secretary,
for the use of the treasury, on the
filing of each petition between
party, and party to be determined by
the assembly, } 1 0 0

For drawing, attesting, and registering
each charter of incorporation, } 1 0 0

For attending the general assembly per day. } 0 12 0

Travel per mile, out, } 0 0 4

Secretary of the council's fees.

For each military commission, he finding
blanks, } 0 1 0 *Secretary of
council's
fees.*

Each commission for the judges of the
supreme court, } 0 2 0

Each commission for the justices of a
county. } 0 4 6

Each commission for judges of county
and probate courts, } 0 2 0

Every order of council for the benefit of
particular persons, } 0 1 0

Affixing the state seal, each time, } 0 1 0

Attending

	Attending council, per day,	£. 0 9 0
	Travel per mile, out,	0 0 4
	<i>Town clerk's fees.</i>	
<i>Town</i>	For recording a deed,	0 1 2
<i>clerk's fees.</i>	For the copy of a deed,	0 1 2
	Recording a survey bill,	0 0 6
	Recording a marriage, birth, or death,	0 0 3
	Recording each mark,	0 0 6
	<i>Attornies fees.</i>	
<i>Attornies</i>	For drawing a writ on a note not nego-	
<i>fees.</i>	tiated,	0 1 0
	For other writs, such sum as shall be } allowed by the court, in proportion } to their length and difficulty, }	
	To the state's attorney, for prosecuting } each criminal action to effect, such } sum as shall be allowed by the court, }	1 10 0
	not exceeding thirty shillings,	
	<i>Post wages.</i>	
<i>Post wages</i>	For man, horse, and expenses, each } mile out, if not across the Green- } mountain, }	0 0 4
	If across the Greenmountain, for thirty } miles distance, at six pence per mile, }	0 0 6
	<i>Sheriffs, constables, plaintiffs, defendants,</i>	
	<i>witnesses, jurors, appraisers fees, &c.</i>	
<i>Sheriffs,</i>	Serving every process on each defendant	
<i>constables,</i>	by reading,	0 0 4
<i>plaintiffs,</i>	If by copy,	0 1 0
<i>defendants,</i>	Bail if taken,	0 1 0
<i>witnesses,</i>	For levying each execution, to be one } shilling, for one pound or under, }	
<i>jurors, ap-</i>	and three pence on the pound for ev- }	
<i>praisers,</i>	ery pound above.	
<i>fees.</i>	For each day's attendance upon the } appraisement or sale of estate taken } in execution, }	0 2 6
	For attending on a justice's court, when } obliged to attend, for each action } tried, }	0 2 0
	Each mile's travel from the place of } service to the place of holding the } court, (executions excepted) }	0 0 4
	Sheriffs attending the general assembly,	
	supreme or county courts, per day,	0 6 0
	Constables for the like service, per day,	0 4 6
		Fees

Fees for persons attending to appraise estate a whole day,	£ 0 4 0	
For half a day,	0 2 0	
When judgment is rendered by default in a county or supreme court,	0 9 0	<i>Fees for plaintiff or defendant.</i>
When judgment is rendered in litigated suits,	0 16 0	
Attending any justices court, for each action,	0 2 0	
Witnesses for attending any court, per day,	0 3 0	
For attending a justices court half a day,	0 2 0	
Travel for a plaintiff or defendant in any county or supreme court, per mile, within this state,	0 0 3	
Travel of witnesses per mile,	0 0 3	
Fees for freeholders summoned to assess the damages sustained in laying out highways, shall be for each freeholder per day,	0 3 0	
For half a day,	0 2 0	
The sheriff attending on such freeholders per day,	0 4 0	
Jury for a justice's court, for each action tried, (in civil causes to be advanced by the party praying a jury, before the issuing a venire)	0 9 0	
Jury in a case of forcible entry and detainer, such sum as shall be allowed by the justices, according to the time in service.		
<i>Goalers's fees.</i>		
For commitment of a prisoner,	0 2 0	<i>Goalers's fees.</i>
For discharge of a prisoner,	0 2 0	
For dieting a prisoner per week,	0 5 0	
<i>County surveyor's fees.</i>		
For himself and horse per day, besides expenses,	0 6 0	<i>County surveyor's fees</i>
<i>Sheriffs and constables assistants fees.</i>		
For each man who attends the sheriff or constable per day,	0 4 0	<i>Officer's assistants fees</i>
For half a day,	0 2 0	
<i>Grand jurors fees.</i>		
For each day's attendance at the supreme or county court, for each grand juror,	0 4 6	<i>Grand jurors fees.</i>
For each mile's travel from their respective dwellinghouses to court,	0 0 4	
K	<i>Fees</i>	

Fees for agents to congress.

Fees of agents to congress. For each day's service, (exclusive of expenses) finding their own horses, £.0 10 0

Fees for auditor's of accounts.

Auditor's fees. For each day's service, they bearing their own expense, 0 10 0
Each mile's travel, 0 0 4
Committee of payable, each per day, 0 7 0
Travel per mile out, 0 0 4

Collectors of taxes fees. Collectors of taxes to be allowed the like fees as sheriffs in cases of execution, where they levy on persons or estate, and one pound out of each fifty pounds collected and paid into the treasury.

Proprietors collectors fees. Four pence per mile from his dwelling-house to the place of sale, to be equally divided among the delinquent proprietors,

For attendance and sale of each delinquent proprietor's right, 0 2 0

For each deed and acknowledgment thereof, 0 2 0

For drawing and conveying an advertisement to both the printing offices, 0 6 0

Impounder's fees.

Impounders fees. For all horse kind, and neat cattle, per head, 0 0 8

For sheep per head, 0 0 1

For swine per head, 0 0 6

Three quarters whereof to the impounder, and one quarter to the keeper of the key.

Passed March 8, 1787. An act for the punishment of divers capital and other felonies.

Buggery. **B**E it enacted by the general assembly of the State of Vermont, that if any man or woman shall lie with any beast, by carnal copulation; such person shall be put to death, and the beast shall be slain and buried.

Sodomy. That if any man lieth with mankind, as he lieth with a woman, they both shall suffer death, except one of the parties were forced, or under fifteen years of age; in which case the party forced, or under the age aforesaid, shall not be liable to suffer said punishment.

That

That if any person shall bear false witness, wilfully, *False witness.* and of purpose to take away any man's life, such offender shall be put to death.

That if any person of the age of fourteen years or upwards, shall wilfully, and of purpose, burn any house, barn, or out-house, to the prejudice or hazard of any person's life, he shall suffer death. Or if no prejudice or hazard to any person's life happen thereby, he shall suffer such other severe punishment as the supreme court shall order, and make good all damages to the aggrieved party. *Arson.*

That if any person shall on purpose, and of malice prepenſe, or by lying in wait, cut out or disable the tongue, or put out an eye or eyes, of any person, so that he or she is thereby rendered blind, or shall cut off all or any of the privy members of any person, or shall be aiding or assisting therein, he shall suffer death. *Cutting out the tongue, putting out an eye, &c.*

That if any person shall wilfully blaspheme the name of God the *Father, Son, or Holy Ghost*; every person so offending, shall be punished by whipping, not exceeding forty stripes, on the naked body, and sitting in the pillory one hour; and may be bound to his good behaviour, at the discretion of the supreme court who shall have cognizance of the offence. *Blasphemy.*

And be it further enacted by the authority aforesaid, that every person who shall be convicted of the crime of murder, or of the wilful killing of any person with malice prepenſe, or shall slay or kill any person by guile, either by poisoning, or other such detestable practices, shall suffer death. *Murder.*

And that every person convicted of manslaughter, or the wilful killing of any person without malice prepenſe, shall forfeit to the public treasury of this state, all the goods and chattels which to him or her belonged at the time of committing said crime; and shall be further punished by whipping on the naked body, not exceeding forty stripes, and be burnt on the hand with the letter M, on a hot iron, and shall be forever disabled from giving evidence or verdict in any court in this state. *Manslaughter.*

Provided nevertheless, that any person who, in the just and necessary defence of his life, or the life of any other, shall kill any person attempting to rob or murder, in the field or highway, or to break into any house, shall be holden guiltless. *Proviso.*

And

Preamble.

And whereas many lewd women that have been delivered of bastard children, to avoid their shame, and to escape punishment, do secretly bury or conceal the death of their children, and after, if the children be found dead, the mother or mothers do frequently alledge the said children were born dead;—whereas it sometimes falleth out (although hard it is to be proved) that the said child or children were murdered of their lewd mothers, or by any their assent or procurement:

Murder of bastard children.

Be it further enacted by the authority aforesaid, That if any woman be delivered of any issue of her body, male or female, which if it were born alive would by law be a bastard, and she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself, or the procurement of others, so to conceal the death thereof that it shall not be known whether it was born alive or not; in every such case, the mother, so offending, shall be accounted guilty of murder; and shall suffer death therefor, as in cases of murder; except such mother can make proof, by one witness at least, that such child was born dead.

Burglary and robbery

And be it further enacted by the authority aforesaid, That whosoever shall be guilty of burglary, by breaking open any dwelling-house, or shop, wherein are deposited goods, wares, or merchandize, or shall commit robbery, if in the perpetration of said crimes the person or persons committing the same shall be guilty of any personal abuse or violence, or shall be so armed with any dangerous weapon as clearly to indicate their violent intentions; such persons found guilty as aforesaid, and being thereof convicted before the supreme court, shall suffer death.

Punishment when not attended with terror force & violence.

And if upon the trial of any person for burglary or robbery, the commission thereof shall not appear to be attended with the aggravated circumstances of personal terror, force, and violence, as aforesaid, the person or persons, found guilty of the same, shall be punished with whipping on the naked body, not exceeding forty stripes, and with imprisonment in any of the goals or workhouses in this state, not exceeding ten years, at the discretion of the supreme court before whom the conviction is had; and if any person shall be convicted a second time of the offence of burglary or robbery, he shall be put to death.

Enacted as before said. Aa

An act respecting fences.

Passed Feb.

WHEREAS, many difficulties have arisen by means 27, 1787.

of partition fences not being properly regulated:— Preamble.

Therefore,

BE it enacted by the general assembly of the state of Vermont, That whenever any persons have improvements adjoining each other, the expence of making and maintaining a lawful fence shall be equally divided between them: and if they cannot agree to divide the same, it shall be divided by the selectmen or three indifferent freeholders, of such town where such land lieth, each paying their part of the expence of such division: and where it shall so happen that any person or persons shall make fence against another, and the person against whose land the fence shall be made, shall improve against the same, he or she shall pay the person who built said fence for the one half thereof; to be appraised by the selectmen, or by three indifferent freeholders, of the town where such land lieth. And if either of the parties or persons, whose improvements so adjoin each other, shall refuse or neglect to make or maintain his, her, or their proper part of said fence, having ten days notice, then the aggrieved party may enter complaint thereof to a justice of the peace, who is hereby directed to summon such delinquent or delinquents, to answer for his, her, or their neglect; and being found delinquent, shall grant execution thereon for cost and damage.

Division
fences how
to be main-
tained.

Aggrieved
party how
remedied.

And be it further enacted by the authority aforesaid, That no fence within this state shall be deemed lawful, unless it be four feet and an half high, well built with logs or rails, well staked boards, or other materials, or of stone equivalent, or made of stones four feet in height.

What fence
to be law-
ful.

An act for the regulating ferries and ferriages within this state.

Passed Feb.
27, 1787.

Preamble.

Whereas, it has been found by experience, that great advantage has been taken, by ferrymen demanding unreasonable prices for their service. And whereas, this assembly cannot so well distinguish between the several rivers, and the several parts of said river, pond, or lake, on account of distance, swiftness of water, number of travellers, &c.

Therefore to prevent such impositions for the future,

BE it enacted by the general assembly of the state of Vermont, That the magistrates, selectmen, and

*Magistrates, &c.
to regulate
ferries.*

constables, of the several towns where ferries are needed, shall meet before the first day of August annually, at a time and place by them agreed upon, and appoint proper persons and places for ferries, and provide suitable roads to and from the same; and further regulate the price thereof, according to the profits of such ferries, and price of labour; to be varied from time to time, as occasion shall require.

*Two towns
to meet.*

And where two or more towns shall border on the same river, pond, or lake, opposite to each other, within this state, the magistrates, selectmen, and constables, of such towns, shall meet together for the purposes and by the time aforesaid.

*Penalty for
transgression.*

And if any person or persons shall transgress this act, by demanding any greater sum for ferriage than shall be stated by the authority aforesaid, he or they shall, for every such offence, forfeit the sum of fifteen shillings; one half to the informer who shall prosecute the same to effect, and the other half to the town treasury where such offence is committed; to be recovered by action of debt, before any justice of the peace in the county where such offence is committed.

*Passed
March 9.
1787.*

An act regulating the disposal of fines and penalties, and the payment of costs in case of delinquencies.

*Penalties
for persons
refusing to
pay fines.*

BE it enacted by the general assembly of the state of Vermont, That every person who shall at any time be fined for the breach of any penal law, or for other just cause, shall forthwith pay such fine or penalty, or give in good and sufficient security speedily to do the same, or shall, by order of the court or justice imposing the same, be imprisoned, or bound out and kept in service until it be paid, or be liable to have his or her estate sold therefor.

*What fines
payable to
the state.*

And be it further enacted by the authority aforesaid, That all fines and penalties imposed on any person or persons by the supreme court, for any matter of delinquency, shall be paid and belong to the state treasury, for defraying the public charges of this state; (except where the prosecution shall have been commenced in the county court, in which case the fine or penalty shall be paid to the treasury of the county where the offence was committed).

And all fines and penalties imposed on any person or persons for any matter of delinquency, by any county

county court within this state, shall be paid and belong to the treasury of the same county, to defray the charges of the county court, and other county charges. *To the county.*

And all fines and penalties which shall by the judgment of any justice of the peace, be imposed on any person or persons, for any matter of delinquency, shall be paid and belong to the treasury of the town where such judgment shall be given. *To the town.*

Provided always, That where any such fines or penalties are or shall be otherwise ordered to be paid, by any express law of this state, they shall be disposed of according to the order of such law; any thing before in this act to the contrary notwithstanding. *Provide.*

And be it further enacted by the authority aforesaid, That the clerks of the supreme court and several county courts in this state, shall, on the first Monday in August annually, deliver to the treasurer to whom any fines are by this act made payable, an abstract of all the fines imposed by the courts to which they are respectively clerks, the preceding year, and a minute of the officer's name, and place of abode, to whom execution therefor was delivered, or to whom the fine was paid. And each justice of the peace shall, on the first day of December annually, deliver an abstract of the fines by him imposed the preceding year, to the treasurer of the town to which the fine shall be payable, with the like minute of the person to whom execution was delivered, or to whom the fine was paid, under the penalty of forfeiting a sum equal in value to the fine omitted to be accounted for; one half to him or them who will prosecute the same to effect, and the other half to the treasury where the fine is payable. *Clerks to give an abstract of fines.*

And be it further enacted by the authority aforesaid, That where any part of a penalty or forfeiture is or shall be given to any one who shall prosecute to effect, and no private person shall appear to prosecute therefor, and such prosecution shall be commenced for such penalty or forfeiture, on the complaint, information, or presentment of the state's attorney, grand jurors, or other informing officers, the whole of such penalty or forfeiture shall be paid and belong to the treasury to which one part thereof would have belonged in case the same had been sued for by a common informer. *Where questions are bro't, &c. how the penalty shall be disposed of.*

And be it further enacted by the authority aforesaid,
That

*Commonin-
formers to
pay costs if
complaint
not support-
ed.* That whensoever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquency, or of a criminal nature, by any other than a county or town informing officer, and such complaint or prosecution shall not be supported, the complainer shall pay the costs of the suit to be taxed.

*How costs
are to be
paid on the
suit of an
officer.* And whenever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquency, or of a criminal nature, by any county or town informing officer, and such complaint or prosecution shall not be supported, the person complained of shall pay costs of prosecution, in the discretion of the court before whom the trial shall be had,

if there shall appear a strong presumption to the said court, that the person complained of is guilty of the offence charged against him; but if no such presumption shall appear, then such costs shall be paid out of the treasury into which the fine would have been paid had the delinquent been fined upon such prosecution.

*How costs
to be paid
on conviction
of de-
linquent.* And be it further enacted by the authority aforesaid, That in all matters of delinquency, or of a criminal nature, where the person complained of or prosecuted shall be convicted, he shall pay the cost of such prosecution, and in case such criminal or delinquent shall not have estate to pay such cost, it shall and may be lawful for the court or justice before whom such conviction shall be had, to dispose of such person in service, so long a time as shall be necessary to procure money sufficient to answer the charges arising on such prosecution.

But if it shall so happen that such charges cannot be obtained out of the estate or service of any person so convicted, such charges shall be paid out of the treasury into which the fine ought by law to be paid.

*Passed
March 8,
1787.*

*No obstruc-
tion to fish,
&c.*

*Nuisances
to be demol-
ished.*

An act regulating fisheries.

BE it enacted by the general assembly of the State of Vermont, That no wares, hedges, fish-garths, disturbances or incumbrances whatsoever, (except dams for necessary mills) shall be set, erected or made, on or across any river in this state.

And if any person or persons whatsoever, shall by wares, hedges, seins, or any other incumbrance, way, or means whatsoever, obstruct the natural or usual course or passage of the fish, in the spring or proper season of the year, up or down any river in this

this state, the same shall be deemed a common nuisance, and shall or may be pulled down, demolished, and removed as such, by any person or persons whatsoever.

And upon complaint or information thereof made to a justice of the peace in the same county where such nuisance is erected as aforesaid, he shall grant a writ to the sheriff or constable, for bringing the person or persons alledged to be guilty of such nuisance before such authority, to be examined in the premises, and if convicted thereof, he or they shall forfeit a sum not exceeding four pounds; one half to the complainer or informer who shall prosecute the same to effect, the other half to the county treasury.

*Offenders
to be prosecuted.*

And the justice before whom such conviction is had, shall thereupon command suitable assistance, at the cost and charges of the person or persons so convicted, to remove such nuisance.

*Authority
to remove
nuisances.*

And if any person who shall pull down, remove or demolish, any such nuisance, shall be sued therefor, he may plead the general issue to such suit, and give this act in evidence.

*Indemnity,
&c.*

An act directing proceedings against forcible entry and detainer

*Passed Feb.
20, 1787.*

BE it enacted by the general assembly of the state of Vermont, That upon complaint made to any one or more of the justices of the peace, of any forcible entry made into any houses, lands or tenements, lying within the county where such justice or justices reside; or of any wrongful detainer of any houses, lands or tenements, by force or strong hand, that is to say, by or with such violent words or actions as have a natural tendency to affright and terrify; every such justice or justices, within convenient time, at the cost of the party aggrieved, shall (if need be) go to the place where the said force is, taking with him or them the sheriff of the county, if necessary, to aid and assist said authority: and any of the people of the county shall attend the said justice or justices, to assist him or them to arrest such offenders, (when thereunto called) upon pain of imprisonment for a term not exceeding one month, and of paying a fine of twenty shillings to the treasurer of the county. And that any two justices shall have authority to enquire by oath, of the people of the same county, as well of

*On complaint of
forcible entry and detainer, the
justice to
view the
force, taking
with him assistance.*

*Two justices
enquire
of the force,
&c.*

them that make such forcible entry, as of them who hold and detain the same by force and strong hand : and if it be found on such enquiry, that a forcible entry hath been made into houses, lands or tenements, or that the same are held by force, then such justices shall cause the same houses, lands or tenements to be reſeized, and the party to be put into poſſeſſion thereof, who in ſuch manner was put or held out of the ſame. And in ſuch caſes the ſaid authority ſhall alſo tax a bill of coſt againſt ſuch perſons as before them ſhall be convicted of forcible entry or detainer.

Coſts to be taxed, &c.

And in caſe the perſon complained of is found not guilty, coſts ſhall be taxed againſt the complainant, and execution thereon granted.

And to the end that inquiry may be made as aforeſaid,

Jury to be ſummoned.

Be it enacted by the authority aforeſaid, That ſuch juſtices ſhall make out their warrant or precept, directed to the ſheriff of the ſame county, or his deputy, commanding him, in the name of this ſtate, to cauſe to come before them eighteen ſufficient and indifferent perſons, dwelling near unto the houſes, lands, or tenements, ſo entered upon or held as aforeſaid, whereof fourteen at leaſt ſhall be ſworn well and truly to inquire of ſuch forcible entry or detainer, and to return a true verdict, according to law and evidence.

Penalty for ſheriff's default.

For jurors.

And if the ſheriff ſhall make default in executing ſuch warrant or precept, to him directed, he ſhall be fined or amerced the ſum of five pounds, for every default : and every juror, legally ſummoned, making his default by nonappearance, ſhall pay a fine of twenty ſhillings.

When ſheriff is related, &c. who to do the duty.

That when it ſhall ſo happen that the ſheriff is either a party, or ſtands in relation of a father or ſon, by nature or marriage, or of a brother in the like kind, uncle or nephew, landlord or tenant, to either of the parties ; either of the conſtables of the town where the facts are ſaid to be done, not being intereſted, or related as aforeſaid, ſhall have in thoſe caſes all the power and authority that ſheriffs in this act are veſted with ; and ſhall be under the ſame regulations ; and in caſe of default, liable to the ſame penalties.

And that any juſtices, holding ſuch court of inquiry, may impoſe a fine on ſuch offender, not exceeding twenty ſhillings, and demand bonds of ſuch offender

offender or offenders for their good behaviour, until the next county court in that county, there to appear; and on such offender's refusing or neglecting to give such bonds, they may commit such offenders to prison, until he or they do comply with the judgment.

*Offenders
to be fined,
&c.*

And if the offence be aggravated by an open breach of peace, the county court may, on the cause coming before them by appeal, increase the fine according to the aggravation or circumstance of the offence.

*County
court may
increase the
fine.*

All fines arising by virtue of this act, to be to and for the use of the county treasury.

And the party aggrieved shall recover treble damages, and cost of the suit, by action of trespass against the offender or offenders, if it be found by verdict, or in any other manner by due form of law, that he or they entered into his house, lands, or tenements by force.

*Treble da-
mages and
cost to be
recovered.*

Provided always, That nothing in the preceeding part of this act shall extend to any person or persons who have had the occupation of any houses, lands, or tenements, for the space of three whole years next before the entering of such complaint: any thing in such act to the contrary notwithstanding.

Provide.

And be it further enacted by the authority aforesaid, That whenever any person shall wilfully and without force hold over any lands, houses, or tenements, after the determination of the time for which they were demised or let to him, or to the person under whom he claims, and after demand made in writing for delivering the possession thereof, by the person having right to the possession thereof, his agent or attorney; or whenever a lessee at will, or person in possession by abatement, intrusion, disseisin, or deforcement, after such demand as aforesaid, shall refuse or neglect to quit possession of the premises upon complaint made thereof, in writing, and under oath, to two or more justices of the peace residing in the county where the premises do lie, the said justices shall summon the party complained of, and proceed to hear, try, and determine the same, in like manner as in cases of forcible entry or detainer.

*Proceed-
ings where
possession is
detained
without
force.*

And if the said justices shall, upon hearing the said complaint, find the same to be true, by the verdict of the jury, they shall make a record thereof, and shall award the possession to the party to whom it of right belongs, and reasonable costs of suit; and shall if-

fine

sue their writ to cause him to be put into possession accordingly, and an execution for the costs recovered.

Provido.

Provided also, that the third paragraph of this act shall not be construed to extend to any person who has or shall have continued in possession three years after the determination of the time for which the premises were let to him, or those under whom he claims, or after his or those under whom he claims becoming possessed by abatement, intrusion, disseisin or deforcement, as aforesaid ; any thing herein before contained to the contrary notwithstanding.

*Complainer
entitled to
treble dam-
ages & costs*

And be it further enacted by the authority aforesaid, That after such record made by the justices as aforesaid, the said complainer, in an action upon the case by him to be brought for that purpose, shall not only recover a reasonable satisfaction for the use and occupation of such land, house or tenement, to the time when the notice in writing to depart the premises was given, but from such time to the time of his actual leaving the premises, shall recover treble damages and costs.

*Appeal al-
lowed.*

Provided, That whenever either party shall think himself agrieved in the execution of this act, he shall be allowed an appeal to the next county court of the county where the premises do lie giving security as by law is directed.

*Passed
March 9,
1787.*

An act for prolonging the time in which the grantees of lands chartered by this state, are obliged to settle the same.

*When for-
feiture of
grants to be
taken.*

BE it enacted by the general assembly of the state of Vermont. That no forfeitures of lands granted by this state on account of nonperformance of the conditions mentioned in the charter, shall be taken until four years after the out lines of the town in which such land lies, have been or may be run by order of the legislature.

*Passed
March 9,
1787.*

An act ascertaining the mode in which granting fees shall be assessed, and the charters given of lands granted by this state ; and for the payment of such bills, specie or produce, as is or shall be due to the treasury of this state.

Preamble.

Whereas the sole right of granting lands, is, by the constitution of this state, vested in this assembly.—
Therefore,

BE it enacted by the general assembly of the state of Vermont, That in all cases where grants have been heretofore

heretofore made by the general assembly of this state, *Granting fees to be*
 and the granting fees have not already been assessed, *fees to be*
 where grants shall in future be made, the same shall *assessed by*
 be assessed by the general assembly, or a committee *the assembly*
 appointed by them previous to issuing any charters for *bly.*
 said lands.

And be it enacted by the authority aforesaid, That
 the fees arising from all grants heretofore made, or to
 be made, and still due, shall be paid into the treasury
 of this state in the same specie, bills or produce as
 shall be directed by the general assembly of this state;
 and that no charter or grant of such lands shall issue
 untill the treasurer of this state shall give his receipt *When char-*
 for the whole amount of such specie, bills or produce, *ter to be*
 assessed as aforesaid; which receipt from the treasurer, *completed.*
 shall be lodged in the office of the secretary of this
 state, before any such charter shall be completed.

And be it further enacted by the authority aforesaid,
 That all such monies as have heretofore been issued
 out of the treasury of this state, for payment of any
 services, of any provisions in the surveyor general's
 department, in running town lines, cutting of roads, *Monies ad-*
 or any other expences which by law is to be paid by *vanced by*
 the propriety, shall be paid into the treasury of this *the state,*
 state in hard money only; and the treasurer be ac- *how to be*
 countable for the same to the legislature. *paid.*

An act for regulating goals and goalers.

BE it enacted by the general assembly of the state of
Vermont, That there shall be kept and maintain-
 ed in good and sufficient repair, a common goal, in
 every shire or county town in this state; the whole
 charge of building, where there shall be occasion, and
 of keeping such goal in repair, shall be defrayed by the
 county to which the same belongs, unless otherwise
 provided for; to be assessed on the inhabitants and
 estates within such county, in such manner as the
 general assembly shall from time to time direct.
 And all and every person or persons whatever, that
 shall be committed to the common goal within any
 county within this state, by lawful authority, for any
 offence and misdemeanor, having means and ability
 thereunto, shall bear their own reasonable charges for
 conveying or sending them to said goal, and also the
 charge of such persons as shall be appointed to guard
 them thither, and their own support while in goal, be-
 fore

Passed
March 9,
1787.
One goal to
be kept in
each county.

State pris-
oners to bear
their own
charges.

fore they are discharged ; & the estate of such person or persons shall be subjected to the payment of such charge and for want of estate he or they may be assigned in service, to answer the same by the county court in that county where such charge shall accrue.

*Prisoners
allowek to
provide, &c*

That all prisoners shall be permitted to provide and send for their necessary food from whence they please, and use such bedding, linnen, and other necessaries, as they think fit, without their being purloined or detained : nor shall any keeper of any common goal demand of any prisoner, any greater fees for his commitment, discharge, or chamber room, than what is allowed by law.

*Penalty on
goalers for
abuse.*

And if any keeper of a common goal shall do, or cause to be done, to any prisoner that is committed to his custody, any wrong or injury, contrary to the intent of this act, he shall pay treble damages to the party aggrieved, and such fine as the county court of that county wherein the offence is committed, upon information or complaint to them made shall think reasonable.

*County
courts to set
out yards to
goals.*

And be it further enacted by the authority aforesaid, That the county courts, in their respective counties, shall have power, and they are hereby empowered to set out liberties of yards to their respective goals ; and any person committed for debt or damages, and no other cause, on procuring sufficient bonds to indemnify the sheriff, shall be admitted to the liberties of the goal yard.

*Provision
for liberat-
ing poor
prisoners.*

And be it further enacted by the authority aforesaid, That when any prisoner, committed to goal in a civil matter or action, shall not have estate sufficient for his maintainance, and will, by permission of authority herein after mentioned, take the following oath, viz.

Their oath.

YOU solemnly and sincerely swear by the name of the ever living God, without evasion, equivocation, or mental reservation, that you have not any estate, real or personal, in possession, remainder or reversion, to the value of five pounds in the whole, nor sufficient to pay the debts or damages for which you are imprisoned ; and that you have not, directly or indirectly, disposed of all or any part of your estate, to defraud or deceive any of your creditors.

The creditor or creditors shall provide for the relief of such prisoner ; and all charges that such creditor or creditors

creditors shall be at in providing for such prisoner, shall be paid by the prisoner before he be discharged. and on application to two justices of the peace one of whom shall be a judge of the county court of that county, or a judge of the supreme court, they, or either of them, shall issue a citation to the creditor or creditors at whose suit the prisoner is committed, notifying him or them to appear before such justices, at a time and place therein mentioned, and show cause, if any he have, why such prisoner shall not be liberated on his oath as aforesaid : which citation shall be served on such creditor or creditors, at least twenty days before the time appointed for appearance in such citation : and if any such creditor shall be out of this state, the citation may be served on the agent or attorney of such absent creditor. And it shall be the duty of such justices carefully to examine by witnesses or otherwise into the circumstances and condition of such prisoner, before they admit him to his oath as aforesaid : and if said justices shall allow such prisoner his oath, they shall make one certificate thereof for the prisoner, another for the goaler. And the prisoner shall, unless the creditor or creditors do within twelve hours after such allowance, pay, and continue to pay, the goaler's fees for keeping and dieting such prisoner, be thereupon discharged, and his body shall thereafter be exempt from execution for the same debt or debts, but his estate, if any he shall have shall be liable therefor.

*Prisoners
so be dis-
charged un-
less, &c.*

And be it further enacted by the authority aforesaid, That if any person admitted to the aforesaid oath, shall be convicted of false swearing therein, he shall be liable to all the pains and penalties as in case of wilful and corrupt perjury, and shall take no benefit by this act.

*Penalty for
false swear-
ing.*

An act directing the laying out of highways.

WHEREAS it is frequently found necessary to lay out new highways, and to alter such as have been before laid, the better to accommodate the public.

Therefore,

BE it enacted by the general assembly of the state of Vermont, That where new highway, or common road from town to town, or place to place, shall be found necessary, and where old highways may with more conveniency be turned or altered, upon a-
ny

*Passed
March 9.
1787.
Preamble.*

The selectmen empowered to lay out new, and alter old roads.

Proceedings where selectmen and parties do not agree

Freeholders refusing to serve.

What a lawful highway.

Proviso.

ny person or persons making application to the selectmen of the town where such highway or common road is wanted, they be, and are hereby empowered by themselves, or others whom they shall appoint, to lay out, or cause to be laid out, such road, and likewise private roads for such town only, where it shall be found necessary, so that no damage be done to any person or persons through whose land such road shall be laid, without due recompence from the town, as the selectmen, and the parties interested, may agree: and if they shall not agree on the recompence to be made, the selectmen, before they open such road, shall tender to the owner or owners of such land, so much money as they the selectmen shall judge a meet recompence for the damage done by laying such road: and if the owner or owners shall not be satisfied with what the selectmen tender by way of recompence, the owner or owners of such land may apply to any justice of the peace of the same county, who is hereby empowered to grant a summons to the sheriff of the county, or his deputy, to cause to appear before him, not more than seven, nor less than three freeholders, who being sworn, shall appraise the aforesaid damages; and such justice shall make final order thereon: and if it be found there were no just grounds of complaint, the complainant shall pay all charges arising thereby:

And if any person being summoned to serve as aforesaid, shall refuse or neglect to attend, he shall forfeit and pay to the treasury of the town where such freeholder dwells, six shillings; to be recovered by action grounded on this statute.

Always provided, That no highway in future shall be deemed a lawful highway, unless surveyed by chain and compass, and a survey thereof made out, entered and recorded, in the town clerk's office of the town where such road lies, (and for want thereof in the proprietors clerk's office) ascertaining the breadth, the course and distance of such road.

Further provided, That where there shall be a sufficient allowance land in or adjoining any lot through which such road shall be laid, the owner shall not be entitled to any damages, but such allowance land shall be set over by the same survey bill as aforesaid, to the owner of such lot in lieu of damages.

And be it further enacted by the authority aforesaid,
That

That if on application of three or more freeholders of the town or vicinity where such road is wanted to be laid out, turned or altered, the selectmen shall refuse or neglect to lay out turn or alter such road, in that case it shall be lawful for those who shall think themselves aggrieved by such refusal or neglect, to apply to the county court, by petition, for the laying out, turning or altering of such road as aforesaid; which petition shall be signed by three or more freeholders of the same town or vicinity as aforesaid, and shall, together with a citation to appear and shew cause why said petition should not be granted, be served on one or more of the selectmen of such town, at least twelve days before the sitting of the court: and the county court shall have power to appoint a committee of three indifferent freeholders from the adjoining towns, who shall view the premises, and if they find it necessary for the better accommodation of the public, as well as individuals, to lay out a new road, or to turn or alter one already laid out, according to the nature of the case, as set forth in said petition, they shall proceed to survey the same, as is in this act above directed: and where there is not sufficient allowance land as aforesaid, shall assess the damages done to the property of any land owner, thereby, and return their doings to said court, and the said court, unless sufficient cause be shewn to the contrary, shall establish such road as laid out by the aforesaid committee, and make order to the selectmen for the payment of the damages assessed as aforesaid, together with attending costs and charges, out of the town treasury of such town: and if sufficient cause shall be shown why the petition should not be granted, the persons applying as aforesaid shall pay costs and charges.

And be it further enacted by the authority aforesaid, That where the aforesaid committee shall find sufficient allowance land, in or adjoining any lot through which such road shall be laid, the same shall be set over, as is in this act above directed.

Always provided, and be it further enacted by the authority aforesaid, That when any such road as aforesaid, shall be laid through common or undivided land, or lands belonging to any individual, in any town in this state, which shall be unimproved and uninclosed at the time of laying out such road, no damages shall be allowed therefor.

M

An

*Proceeding
when select-
men refuse
to lay out a
road.*

*Where
there is al-
lowance
land it shall
be set over.*

except, &c.

Passed
March 9,
1787.

An act for mending and clearing highways.
*For the better mending and removing encroachments from
the highways.*

*Who to
work on
highways,
&c.*

BE it enacted by the general assembly of the State of Vermont, That there shall be to the amount of four days work to each male person from twenty one years of age to sixty (excepting ministers of the gospel improved within their respective towns, the president, tutors and students of colleges for the time being, and annual schoolmasters) for making and repairing highways, in the following manner, viz. the selectmen of each town shall make or assess a tax on the list of the polls and rateable estates of the inhabitants of each town, to the amount of four days to each person as aforesaid, at four shillings per day, and deliver the same, or a copy thereof, to each surveyor within the respective towns, who shall warn the inhabitants of their respective towns to work at highways, to the amount of their rates, respectively, between the fifteenth day of May and the first of July, and between the fifteenth of September and the first day of November, annually.

The times.

*Penalty for
refusal or
neglect.*

And if any person or persons shall refuse or neglect to do their proportion of their respective rates, when warned as aforesaid, they shall forfeit and pay six shillings, lawful money, in lieu of every day so neglected, provided they have three days warning.

*Proceeding
against de-
linquents.*

And be it further enacted by the authority aforesaid, That the several surveyors of highways shall make return of all the persons so neglecting, their names and number of days, within six days after such neglect, to the next justice of the peace: and if the said person or persons do not within six days after such return, show sufficient reason why he or they did not comply with the order of such surveyor, then the said justice of the peace, shall grant his warrant against the goods or chattels of such delinquent or delinquents, directed to the constable of the town where such delinquent dwells, to collect the forfeitures, together with additional costs, and deliver the same to the surveyor of said district, to be by him laid out, for the purpose of making, clearing and repairing highways, as aforesaid; which goods or chattels shall be by said officer sold at public vendue, after having been posted at least ten days before such sale; and the overplus, if any there be, shall be returned to the owner or owners thereof.

And that the surveyors shall have power to order out such number of persons as they shall think necessary, to mend the roads on any extraordinary occasion, at any time ; and the pay thereof shall be deducted out of such persons rates who shall do labour.

*Power of
surveyors.*

And be it further enacted by the authority aforesaid, That the selectmen of the several towns in this state (when and as often as it is found necessary) shall have power to divide and set out to each surveyor by such town chosen, at the annual townmeeting, their respective districts within said town, and order and direct which of the inhabitants by law obliged to work shall labour under each surveyor.

*Selectmen
to set out
districts.*

And be it further enacted by the authority aforesaid, That if any person or persons shall have enclosed any part of the highway, or erected any fence or other encroachment thereon, the selectmen of the town where such offence is committed, are empowered to order such person or persons to remove such fence or encroachment within such convenient time as to said selectmen shall seem most convenient, not exceeding one month, and in case the said fence or other encroachment be not removed within the time limited by said selectmen, giving notice as aforesaid, such selectmen are hereby authorized and empowered to remove or cause the same to be removed : and if the person or persons so offending as aforesaid, shall after such removal, again erect said fence or other encroachment on the said highway, or shall take in or enclose a greater or less quantity thereof, he or they shall forfeit the sum of two pounds for every such offence, one moiety thereof to the town treasury where the offence is committed, the other moiety to the said selectmen, with just costs of prosecution : in which case no appeal or review shall be allowed.

*Encroach-
ments to be
removed.*

*Penalty for
disobedience*

And be it further enacted by the authority aforesaid, That the several surveyors of highways shall severally be accountable to the selectmen of their respective towns, for all omissions of the duty enjoined upon them by this act, and shall be liable to pay all damages that may accrue to said town by their respective neglects.

*Surveyor's
accountable*

And whereas many persons are exempted from doing their proportion of labour on the highways, for the first year of their residence in any town in this state, by reason of their moving in after the lists are taken in :

Preamble.

To

To prevent which,

*Selectmen
may assess
those who
move in af-
ter list tak-
en.*

Be it further enacted by the authority aforesaid, That when and as often as any person shall move into this state to reside, after the list shall be taken as aforesaid, it shall and may be lawful for said selectmen, in their respective towns, to assess each of such male persons at least four shillings in the surveyor's bill as aforesaid.

*Passed
Feb. 27,
1787.*

An act for summoning juries and directing grand jurors in their duty.

*Who to
summon pe-
tit jurors.*

BE it enacted by the general assembly of the state of Vermont, That some convenient time before the sitting of each stated or adjourned supreme and county court, the clerks of the respective county courts shall issue precepts, directed to the constables of the several towns within the county where such courts are to sit, or to so many of them as shall appear to such clerks necessary, to summon so many able freeholders as the precept shall direct, to serve as petit jurors at said court, and to attend at eight o'clock in the morning of the second day of the sitting of such court.

*And grand
jurors
when ne-
cessary.*

And when such clerks shall be certified by the state's attorney of the county where such court is to sit, that a grand jury will be necessary, they shall also issue their precepts, directed as aforesaid, for summoning so many of the grand jurors elected by the several towns in such county, as to such clerks shall appear necessary, not exceeding twenty four nor less than thirteen, to appear on the first day of the sitting of such court at ten o'clock in the morning, to serve as grand jurors at said court. And no person shall be held to trial or put to plead to any complaint, indictment or accusation, for a capital offence, punishable with death, unless a bill of indictment be found against such person, for such crime, by a grand jury legally empannelled and sworn. And that no bill of indictment shall be presented by a grand jury, unless the same be agreed to by at least twelve them.

*Capital of-
fenders to
be tried on
indictments*

And the constables shall make timely return of such precepts to the court in which the jurors are summoned to appear, with an indorsement thereon certifying whom he hath summoned for the purposes aforesaid, on pain of forfeiting to the state treasury, if the precept shall be returnable to the supreme court, and to the county treasury if returnable to the county

*Fine for
constables
not making
return.*

ty court, a fine not exceeding five pounds, at the discretion of the court, unless such constable shall seasonably make an excuse to the satisfaction of such court.

And if any juror, summoned as aforesaid, shall not appear according to the directions of precept, and shall not render an excuse to the satisfaction of the court before which he is summoned to appear, he shall pay a fine of thirty shillings, to the treasury of the state if the default shall be made in the supreme court, and to the treasury of the county if the default shall be in the county court, and cost of prosecution.

Fine for juror's default.

Be it further enacted by the authority aforesaid, That when it shall happen that a sufficient number of jurors, summoned as aforesaid, do not appear, or if by reason of challenges, or other causes, there shall not be a sufficient number of jurors to make up the pannel or pannels, the court shall order the sheriff, or other officer, to fill up jury or juries by summoning a sufficient number of substantial freeholders of the vicinity. And when a special session of either of such courts shall be held (which the chief judge or in his absence any two other judges are hereby empowered to call upon any extraordinary occasion) such officer, by direction of the court, shall summon a sufficient number of grand and petit jurors to make up the pannels : and in case a sufficient number of grand or petit jurors cannot conveniently be had to make up the pannels, the said grand or petit juries shall be formed or made up in the same manner as is herein before directed in this act.

Where there is a deficiency in the pannel how to be completed.

And be it further enacted by the authority aforesaid That after the grand jury are empannelled and sworn they shall choose a foreman, who shall have power to swear all witnesses to testify before them, and who shall, when the grand jury or any twelve of them, find a bill of indictment to be supported by good and sufficient evidence, write thereon *A true bill*. And when they do not find any bill to be supported by sufficient evidence, the foreman shall indorse thereon *This bill not found*, and the accused person shall be thereupon discharged.

The power and duty of the foreman of grand jury.

And be it further enacted by the authority aforesaid, That the parties in all civil causes, may have right to agree that their causes shall be tried by the court : and such causes as are to be determined by the petit jury, in any court, shall be first tried.

Parties may have their causes tried by the court.

*Mode of
procuring a
jury before
a justice.*

And be it further enacted by the authority aforesaid, That whosoever it shall be necessary for a jury to attend a justice's court, in matters of dispute, the parties may mutually agree on the jury; and upon the refusal or neglect of either party, as also in criminal cases, or matters of delinquency, the following method shall be taken to procure and empanel a jury, that is to say,

The constable (or in case of his absence, or being related to either of the parties, or interested, any indifferent person to be appointed by the justice) shall write the names of eighteen respectable freeholders of the vicinity, on eighteen distinct pieces of paper, of an equal size, and roll each piece up so that the name cannot be seen, and deliver them to the justice, who shall put them into a box, and shaking it so that they shall mix together, shall draw out one;— which person so drawn, shall be one of the jury, unless excepted against, or challenged by either of the parties; and so proceed until he has drawn six, who are not accepted against, or challenged; or in case the first twelve are challenged, or excepted against, and the parties do not agree to make choice as aforesaid, the last six shall be the jury, and shall be summoned by the officer, being thereto required by the justice.

And if any juror drawn and summoned as aforesaid, to attend on a justice's court, shall not appear, or shall refuse to serve, he shall forfeit and pay a fine of ten shillings, and cost of suit, to the treasury of the town where the cause is to be tried, unless he shall render a sufficient excuse, to the satisfaction of the justice before whom the default shall be made.

And when it shall happen that any of the six jurors so drawn cannot be had, and the parties will not agree on a person or persons to fill such vacancy, the person doing the constable's duty shall proceed to write the names of three times the number so wanting, on distinct pieces of paper and deliver and draw as before-mentioned; and in that way fill such vacancy.

*Court may
return the
jury.*

Be it further enacted by the authority aforesaid, That the judges of any court, or justice of the peace, before whom a cause may be depending, shall have power, if they judge that the jury have mistaken the law or evidence material in the issue, or have not paid

paid proper attention thereto, to cause them to return to a second and third consideration of the case, but no oftener.

And when the court have committed any case to the consideration of the jury, they shall be confined under the care of an officer appointed by the court, and sworn for that purpose, until they have agreed on a verdict, or are discharged from giving a verdict by the court or justice.

Officer to take charge of jury.

And be it further enacted by the authority aforesaid, That all grand jurors shall diligently enquire after, and due presentment make, of all misdemeanors and breaches of law whereof they have cognizance, whether the same were committed before said grand jurors were chosen and sworn to said office, or afterwards; which presentment they shall seasonably make to the court, or some justice of the peace, that the offenders may be dealt with according to law.

Grand jurors to present breaches of law.

And if any grand juror after he is sworn, shall neglect to make seasonable presentment of any breach of law whereof he hath cognizance, he shall pay a fine of twenty shillings to the treasury of the town in which he resides, and costs of suit.

Penalty for omission.

An act for settling disputes respecting landed property.

Passed Oct. 27, 1785.

WHEREAS many persons have purchased supposed titles to land within this state, and have taken possession of such lands under such titles, and made large improvements on the same; and who having no legal title to such lands, must, if the strict rules of the common law be attended to, be turned off from their possessions made at great expense.

Preamble.

BE it enacted by the general assembly of the state of Vermont. That when any person or persons, in the actual possession and improvement of lands to which he, she or they, so in possession, or those under whom they hold, had purchased a title, supposing at the time of purchase such title to be good in fee, and having in consequence of such purchase entered and made improvements upon such lands, shall be prosecuted before any court, by action of ejectment, or any other real or possessory action, to final judgment, and judgment shall be given against such person or persons in possession as aforesaid, such person

Persons in possession by supposed titles may recover for their improvements

son or persons as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right by action to recover of the person or persons in whom the legal right shall be found by such judgment, the value of the improvements and betterments made on such lands by such possessor or possessors, or those under whom they hold.

*Mode of
process.*

And the mode of process shall be, that the recoverer or recoverees in such action as aforesaid, shall within fortyeight hours after judgment, or during the sitting of said court, file a declaration, in an action of the case, against the recoveror or recoverors, for so much money as the estate is made better as aforesaid, in the clerk's office of the court where such judgment was obtained, which shall be deemed a sufficient notice to the adverse party, to appear and defend in such action on the case, at the next session of said court, whether stated or adjourned; and the court, on motion made, shall order the writ of seisin or possession to be stayed until the last action aforesaid be determined; and the land recovered by such judgment shall be holden to respond the judgment, if any there be, in favor of the possessor or possessors, as fully as though the same had been attached by mean process: and if on trial it shall be found necessary that a view be had of the premises, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view, and all the reasonable charges arising by such view shall be paid by the party moving for the same.

*The jury
directed.*

And be it further enacted by the authority aforesaid, That the jury, in estimating the value of the improvements, shall assess the value of the lands as they were when the settlement was begun by the possessor or possessors, and shall also assess the value of such lands at the time of such assessment, as if the same were then uncultivated, and shall allow to the possessor or possessors the one half of what such lands have arisen in value, and shall, in addition thereto, assess to the possessor or possessors the just value of making the improvements, with the buildings and other betterments made on such lands by the possessor or possessors, or those under whom they hold; and if any doubt shall arise respecting the quantity of such land to be estimated by the jury, it is hereby declared to be the duty of such jury to appraise the improvements

ments & betterments on the land described in such action.

And be it further enacted by the authority aforesaid, That when any person or persons who have entered and made improvements on lands to which he she or they had no such supposed title as aforesaid, shall be prosecuted before any court, by action of ejectment, or other real or possessory action, and judgment shall be finally given against such possessor or possessors, he, she, or they, shall have right to recover of the legal owner thereof, the value of his, her or their improvements, to be estimated in manner as aforesaid; excepting that such possessor or possessors shall have no allowance for the rise of the land, and the same manner of process shall be had, and the lands shall be holden to respond the judgment obtained by said possessor or possessors, as is before provided in this act.

Relief for persons who have no colour of title.

Provided always, and be it further enacted by the authority aforesaid, That this act shall not extend to any thing future, or to any person or persons who have taken possession of land to which they have no supposed title, after the first day of October, or to any person or persons who have taken possession of lands to which they have no legal title after the first day of July 1785; & that no person who hath ousted the rightful owner, or gotten possession of any improved estate by ouster, (otherwise than by legal process). shall take any advantage, or benefit by this act.

Proviso.

Be it further enacted by the authority aforesaid, That if the plaintiff in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered; and the writ of seisin or possession shall be further stayed until the expiration of the said six months, unless the defendant in said action of the case, satisfy said judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and costs so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and enter such judgment satisfied, and a writ of seisin or possession shall immediately issue.

Executions suspended for six months.

Be it further enacted by the authority aforesaid, That the defendant in the declaration filed for damages as beforementioned in this act, shall not be allowed to demur to said declaration after the second day of the

When defendant is to demur.

sitting of the court in which said action for damages is to be tried as aforesaid, and if judgment shall be given on demurrer in favor of the defendant, the plaintiff, within twenty four hours after such judgment, or during the sitting of said court, shall have full liberty to file another declaration for the purposes intended by this act; and a trial shall be had in said action as soon as may be after filing said last mentioned declaration, and the writ of seisin or possession shall be stayed, and the land shall be holden to respond the judgment, as before is provided in this act.

*Actions
formerly
suspended to
be taken up.*

Be it further enacted by the authority aforesaid, That all actions commenced for the trial of the title of lands or declarations filed for damages, as aforesaid, shall be taken up in the same stage in which they were when the trial of them was suspended by the general assembly in October 1783, & be prosecuted accordingly.

*Leave given
to former
recoverers
to file a bill
on payment
of costs.*

And be it further enacted by the authority aforesaid, That when any prosecution has been commenced before the passing of this act, by action of ejectment, or other real or possessory action, before any court, against any person in possession as is before-mentioned in this act, and judgement has been rendered in favor of the plaintiff, whether such judgment be final or not, or whether writ of seisin or possession on such judgment has been issued or not, and whether such possessor or possessors shall have been put out of possession or not, such writ of seisin or possession, if not executed, shall be stayed for the term of six months from the passing this act; in which time such possessor shall have liberty (on paying to the plaintiff in such action of ejectment, or writ of right, all his just costs in such action, and giving him or his attorney, twelve days notice, in writing, when and where he will file a declaration for the purposes intended by this act) to file a declaration in an action of the case, with the clerk of the court in which the plaintiff's action of ejectment, or other real or possessory action was first commenced, and shall have all the advantages intended by this act.

Proviso.

Provided always, and it is hereby enacted by the authority aforesaid, That this act shall not extend to any person or persons settled on lands granted or sequestered for public, pious, or charitable uses, nor to any person who has gotten the possession of lands by virtue of any contract made between him and the legal owner or owners thereof.

Provided

Provided also, and be it further enacted by the authority aforesaid, That nothing in this act shall be construed to deprive any person of his remedy at law against his voucher.

Proviso.

Be it further enacted by the authority aforesaid, That no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall be sued, prosecuted or maintained for the recovery of any lands, tenements or hereditaments, where the cause of action has accrued before the passing this act, unless such action be commenced within three years next after the first day of July, in the present year of our Lord one thousand seven hundred and eighty-five.

Limitation

An act directing the form of passing laws.

Passed Feb.

BE it enacted by the general assembly of the state of Vermont, That when the governor and council shall lay any bill before the general assembly, and the same shall be passed by the assembly without amendment, the council shall be informed thereof by a written message, and the same shall be considered, and recorded as a law of this state.

27, 1787.

When a bill originates with the council.

That when a bill shall originate in, and be agreed to by the assembly, it shall be sent to the governor and council for their revision and concurrence, or proposals of amendment; and if no amendment shall be by them proposed, within five days, on or before the adjournment or rising of the legislature, the said bill shall be returned to the assembly, and passed into and recorded as a law, unless the passing of such bill shall be suspended by the governor and council: and if amendments shall be proposed to any bill, and the assembly concur therein, the council may be informed thereof by a written message, and the said bill shall then be a law: but if all, or a part of the proposed amendments, shall not be concurred in by the assembly, (the reasons for which amendments shall be given verbally, or in writing) the bill shall be returned to the council, and the reasons of such non concurrence be given, either verbally, or in writing, that the council may, if they shall think proper, proceed further thereon; and if the council shall not within five days or before the rising of the legislature, propose further amendments which shall be agreed to by the assembly, the said bill shall be returned to the assembly, and considered

When with the assembly.

Proceedings in case of non concurrence to amendments.

sidered and recorded as a law, unless suspended as aforesaid.

And be it further enacted by the authority aforesaid, That if it shall so happen that the council and assembly cannot separately agree on a bill when amendments shall be so proposed as aforesaid, they shall meet in grand committee, in order that the wisdom of both houses may be properly obtained; after the dissolution of which committee, the assembly shall take them into consideration, and proceed as above-mentioned.

Bills to be delivered to the secretary.

And be it further enacted by the authority aforesaid, That all bills remaining with the council at the rising or adjournment of the legislature, at every sitting thereof, shall by the council be delivered to the secretary of the state.

Passed March 10, 1787.

An act for the limitation of actions.

Limitation of criminal actions.

BE it enacted by the general assembly of the State of Vermont, That no person shall be indicted, prosecuted, informed against, complained of, or compelled to answer before any court or justice of the peace in this state, for the breach of any penal law, or for other crime or misdemeanor, by reason whereof a forfeiture belongs to any public treasury, unless the indictment, presentment, information, complaint, or declaration, be made and exhibited within one year after the offence is or shall be committed. And every such indictment, presentment, information, complaint or declaration, that is not made and exhibited as aforesaid, within the time limited for the same as aforesaid, shall be void.

Provido,

Provided, That where a shorter time is or shall be limited by any penal statute, the prosecution shall be within the time so limited.

The time of complaint to be marked thereon.

And whosoever any indictment, presentment, information, complaint or declaration, shall be exhibited or drawn on any penal statute, the day, month and year of the exhibition thereof, into any office, or to any officer, which may lawfully receive the same, or of signing the writ, without any antidate thereof, shall be truly marked on such process or proceeding, by the same officer, without any fee for the same; and the said process or proceeding, shall be taken to be of record from that day forward, and not before.

Provido.

Provided always, That this act shall not extend to any capital offence or theft, nor to any crime that may

may concern loss of member or banishment ; any thing herein contained to the contrary, notwithstanding.

Be it further enacted by the authority aforesaid, That no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall hereafter be sued, prosecuted, or maintained, for recovery of any lands tenements, or hereditaments, where the cause of action shall accrue after the passing this act, but within fifteen years next after the cause of action shall accrue to the plaintiff or demandant, or those under whom he or they claim ; and that no person, having right or title of entry into any houses, lands, tenements, or hereditaments, shall hereafter thereinto enter, but within fifteen years after such right of entry shall accrue.

*Limitation
of actions
for land.*

And be it further enacted by the authority aforesaid, That all actions of covenant, trespass *quare clausum fregit*, detinue, actions *sur trover*, and *replevin*, all actions of account and upon the case, all actions of debt without specialty, all actions of assault, menace, battery, wounding, and imprisonment, or any of them, which shall be sued or brought, at any time after the end of the present session of assembly, shall be commenced and sued within the times herein after expressed, viz. the said actions of covenant, actions upon the case, (other than for slander, and those brought on promissory notes) the said actions of account, the said actions for trespass, (other than for assault, menace, battery, wounding, and imprisonment) debt without specialty, detinue and replevin, and the said actions of trespass *quare clausum fregit*, within three years next after the passing hereof, or within six years next after the cause of such actions or suits shall accrue, and not after ; and the said actions of trespass, for assault, menace, battery, wounding, or imprisonment, or any of them, and the said actions on the case for words, within one year after the cause of such suit or actions shall accrue, and not after : and all actions of debt upon specialties, if executed before the passing of this act, within six years after the passing hereof, and if executed after the passing of this act, within seventeen years after the cause of action shall accrue, and not after : and all actions upon promissory notes, within six years after the passing

*Of personal
actions.*

ing

sing hereof, if executed before the passing of this act, or if executed after the passing hereof, within fourteen years after the cause of action shall accrue, and not after.

Proviso.

Nevertheless, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed for error, or a verdict pass for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his writ, in such cases the plaintiff, his heirs, executors, or administrators, may commence a new action or suit, from time to time, within a year after such judgment reversed, or such judgment given against the plaintiff, and not after.

Proviso.

Provided, That if any person that is or shall be entitled to any such action, as before-mentioned, shall be at the time of such action accruing, within the age of twentyone years, feme covert, non compos mentis, imprisoned, or beyond the seas, such person shall be at liberty to bring the same actions within such times as are before limited, after their being of full age, dis-covert, of sane memory, at large, and returned from beyond sea.

*Passed Feb.
27, 1787.*

*Persons
setting up
lotteries, to
forfeit,
&c.*

An act for suppressing of lotteries.

BE it enacted by the General assembly of the State of Vermont, That every person who shall presume, without special licence from the legislature, to set up any lottery for the sale of goods, lands, or tenements, or to sell, put off, or vend, any lands, goods, monies, or other thing whatever, by way of lottery; or shall set up notifications to entice people to bring in & deposit their money or credit, for carrying on any such design, and shall be thereof convicted, shall forfeit and pay the value of the goods, monies, or other things so exposed or offered to sale; the one half to him who shall prosecute the same to effect, the other to the treasury of the county where the offence is committed.

*Passed Feb.
27, 1787.*

Preamble.

An act for regulating of marriages and for preventing and punishing incest and incestuous marriages.

FORASMUCH as the ordinance of marriage is honorable in all; and it being proper that the solemnization of it should be in such a decent and orderly manner as will best contribute to the happiness of families, and peace of society:—Therefore.

BE it enacted by the general assembly of the State of Vermont, That no person shall be joined in mar-

riage before the intention of the parties has been published by the minister, or town clerk, in some public meeting or meetings for religious purposes, in the town, society, or parish, where the parties do ordinarily reside or such purpose or intention be posted, in fair writing, at some public place in each of the towns, there to stand so that it may be read, at least eight days before such marriage.

That no person whatsoever in this state, other than the lieutenant governor, justices of the peace within their respective jurisdiction, or ordained ministers of the gospel within the town and society, (or in any other town within the same county, wherein there shall be no ordained minister) wherein they respectively dwell, and while they continue in the exercise of the ministry, shall solemnize any marriage.

Nor shall any of the persons before mentioned presume to marry any man and woman, before he is certified that such intention of the parties has been published as aforesaid, or before such magistrate or minister is certified of the consent of the parents or guardians, (if any there be) if either party be under age, on pain of forfeiting, for every offence, the sum of twenty pounds; one moiety to him or them who shall complain of and prosecute the same to effect, and the other moiety to the treasury of the county where the offence shall be committed.

And if any person or persons, other than the persons intending marriage, or their legal guardians, shall presume to deface or pull down any such publication set up in writing as aforesaid, before the expiration of eight days after the time of its being set up; every such person or persons shall be fined the sum of forty shillings, or be set in the stocks one whole hour.

And every person herein before empowered to join in matrimony, shall keep a fair register of each marriage by them respectively solemnized, which may be given in evidence in any court of record in this state.

Be it further enacted by the authority aforesaid, That no man shall marry any woman within the degrees of kindred herein after named, that is to say, no man shall marry his grandfather's wife, wife's grandmother, father's sister, mother's sister, father's brother's wife, mother's brother's wife, wife's father's sister, wife's mother's sister, father's wife, wife's mother,

Intent of marriage to be published.

Who to marry persons.

Penalty for marrying persons not published.

Penalty for pulling down publication.

Register to be kept.

Degrees of kindred prohibited to intermarry

ther, daughter, wife's daughter, son's wife, sister, brother's wife, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter, brother's son's wife, sister's son's wife.

Marriages within the degrees void.

And if any man shall hereafter marry any woman, who is within the degrees before-mentioned in this act, every such marriage shall be, and is hereby declared to be, null and void. And all children which shall hereafter be born of such incestuous marriage, shall be forever disabled to inherit by descent.

Punishment for incest.

And that every man and woman who shall marry, or carnally know each other, being within any of the degrees before-mentioned in this act, or being so married, shall continue to dwell in the same house at any time after the space of forty days after the publication hereof, and be convicted thereof before the supreme court; such persons shall suffer the like punishment as is directed to be inflicted in case of adultery, except that instead of the letter *A* to be worn by an adulterer, the capital letter *I* shall be worn by such incestuous person.

Passed March 8, 1787.

What persons constitute the militia.

Exceptions.

An act regulating the militia of the state of Vermont.
For regulating the militia of this state.

BE it enacted by the general assembly of the state of Vermont, That all male persons from sixteen years of age to fortyfive, shall constitute the military force in this state, except members of the council, members of the house of representatives, and delegates to the congress of the united states for the time being, the state treasurer and secretary of state, secretary of the council, justices of the peace, judges of the supreme and county courts, judges of the several probate districts, auditors of the state, field, commissioned, & staff officers honorably discharged, ministers of the gospel, the president, tutors and students of colleges, allowed physicians & surgeons, post officers, constant schoolmasters, one miller to each grist-mill, sheriffs, constables and goalers, constant ferrymen, persons disabled, by lameness or other bodily infirmity, during the continuance of such disability, producing a certificate thereof from two able physicians, to the acceptance of his or their commissioned officers.

That

That the governor of this state for the time being, shall be captaingeneral and commander in cheif, *The general and field officers.* and the lieutenantgovernor for the time being, shall be lieutenantgeneral of and over all the military force of this state ? and there shall be appointed agreeably to constitution, as may be necessary, one majorgeneral to the command of each division, to consist of two or more brigades, one brigadiergeneral to the command of each brigade, to consist of two regiments or more, and one colonel, one lieutenantcolonel, and one major, to each regiment of infantry, to be commissioned by the governor.

And in every infantry company where there are forty rank and file, *Officers proportioned to the privates.* there shall be one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer ; and where there are thirtytwo rank and file, there shall be one lieutenant, one ensign, two sergeants, four corporals, one drummer and one fifer ; and where there are twentyfour rank and file, there shall be one lieutenant, two sergeants, two corporals, one drummer and one fifer. And that to each regiment there may be two light infantry companies, *May be two light infantry companies to a regiment.* composed of such active young men as will voluntarily engage in such infantry company, and shall form on the flanks of the regiment, and be clothed in such uniform as the field officers of the regiment shall direct.

That the companies thus constituted, shall have the privilege of choosing their officers ; and each company so formed, shall have one or more parade assigned them by the colonel or commanding officer of the regiment ; and each company shall consist of *Their number.* one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, one fifer, and sixtyfour rank and file. And that the noncommissioned officers and privates of each light infantry company thus composed, shall be exempted from any poll tax.

That there may be one company of cavalry raised in each regiment, to consist of one captain, one lieutenant, one cornet, one quartermaster, two sergeants, four corporals, two trumpeters, and thirty six privates : that every light dragoon shall always be provided with a good serviceablehorse not less than fourteen hands high, to the acceptance of the chief commissioned officer of the company to which he belongs. *One company of cavalry to each brigade.*

*How to be
equipt.*

covered with a good saddle, with housings and other proper furniture, a bridle, and holsters with bearskin caps, a case of good pistols, a sword or cutlafs not less than three and onehalf feet in length, and also a cap made of jirk leather, or other cover for the head, a flask or cartouch box, one pound of good powder, three pounds of sizeable bullets, eight flints, and a good pair of boots and spurs; on penalty of twenty shillings for want of such horse, and one shilling for want of either of such articles in which he shall be deficient. And each commissioned officer, noncommissioned officer and private, who shall be provided and equipped as aforesaid, shall be exempted from any poll tax, and from paying any tax for one horse, being his own property.

Penalty.

*A company
of artillery.*

*Their number and
equipment.*

And there shall be one company of artillery to each brigade, to be composed of such active young men as shall engage for that purpose; which company shall consist of one captainlieutenant, one lieutenant, one ensign, two sergeants, two corporals, two bombardiers, one drummer, one fifer, and eighteen matrosses: each commissioned officer to be armed with a sword or hanger, fuzee, bayonet, belt and cartouch box, to contain twelve cartridges; and each artillery man shall furnish himself at his own expence, with all the equipments of a private in the infantry, until proper ordnance and field artillery can be provided by the state, and shall be exempt from poll tax, the same as companies of light infantry are.

Their post.

And that each company of artillery shall be annexed to such regiment in the brigade to which they respectively belong, as shall be found most convenient by the brigadiergeneral, or officer commanding the brigade, and shall take post on the right of the regiment to which they are annexed, and the troop of horse, belonging to the regiment whereto the company of artillery is annexed, in that case shall take post on the left.

*Artillery
and cavalry
subject to
the orders of
the colonel.*

And the companies of artillery and cavalry so arranged, shall be subject to the colonel or commanding officer of such regiment in all respects, except that the company of cavalry shall not be liable to be called out but twice in one year, except in cases of alarm: and that the company of artillery shall be subject to the same order of discipline as the companies of light infantry are in their respective regiments.

And

And that every able-bodied male person, being a citizen of this state, or of any of the united states and residing in this state, except such persons as are heretofore exempted, and who are of the age of sixteen, and under the age of fortyfive years, shall by the captain or commanding officer of the beat in which such citizen shall reside, within four months after the passing of this act, be enrolled in the company of such beat : that every captain, or commanding officer of a company, shall also enrol every citizen as aforesaid who shall from time to time arrive at the age of sixteen years, or come to reside within his beat, and without delay notify such enrollment of such citizen so enrolled, by such noncommissioned officer of the company, who shall be a competent witness to prove such notice. That all disputes which may happen with respect to the age, abilities, deficiencies, or neglect of duty, of any person to bear arms, shall be determined by the captain or commanding officer of the company, with a right to appeal by the person who may conceive himself aggrieved, or any other person belonging to the company, to the colonel or commanding officer of the regiment.

Militia to be enrolled.

Captain to determine disputes.

And every citizen so enrolled and notified, shall within nine months there after, provide himself, at his own expence with a good musket or firelock, with a priming wire and brush, a sufficient bayonet and belt, with a cartouch box, with three pounds of lead bullets suitable to the bore of his musket or firelock, a good horn containing one pound of powder, and four spare flints ; and shall appear so armed, accoutred and provided, when called out to exercise or duty, if thereto required.

Equipment of militia.

Provided nevertheless. That when it shall appear to the commissioned officer of any company of infantry, by and with the advice of the selectmen of the town where such company belongs, that any soldier so enrolled, and to be equipped as aforesaid, shall be unable to provide himself with arms and accoutrements agreeable to the tenor of this act, that he shall be provided at the expence of the town where such soldier belongs : and that such soldier, so provided with arms and accoutrements, shall be accountable to the selectmen for the same. And that the commissioned officers shall be respectively armed with a sword or hanger.

Proviso.

And

Fines.

How imposed and collected.

How disposed of.

Officers giving up commission without leave.

One adjutant general to be appointed.

And be it further enacted by the authority aforesaid, That all fines arising from offences or deficiencies of any noncommissioned officer or private, belonging to any company or squad of infantry, artillery, or cavalry, refusing or neglecting when called out, shall be adjudged of, and imposed by, the commissioned officers of the company, or the major part of them, and be levied, with costs not exceeding three shillings, by warrant from the captain or commanding officer of the company, directed to the orderly sergeant of the company to whom such delinquent belongs, by distress and the sale of the goods and chattels of such offenders respectively : and in case any such defaulter shall be under age, and live with his father or mother, or shall be an apprentice or servant, the master or mistress, father or mother, as the case may be, shall be liable to pay the said fine, with cost ; and in default of payment, the said sergeant shall levy the same upon the goods or chattels of such father, mother, master or mistress : such fines when received, to be paid by the orderly sergeant to the officer granting such warrant, whose duty it shall be to account for the same in providing colours, drums, fises, or other uses of the company, at the direction of the commissioned officers of the company, and always to be under the inspection of the colonel or commanding officer of the regiment.

That if any commissioned officer shall give up his commission without leave from the brigadier, or commanding officer of the brigade ; or if any non-commissioned officer shall give up his warrant without leave from the colonel or commanding officer of the regiment to which he belongs ; every such commissioned or non-commissioned officer shall be reduced to the ranks.

That there shall be, from time to time (as may be necessary) appointed by warrant from the captain general, one adjutant general over the whole militia of this state, who shall have rank as a lieutenant colonel ; whose duty it shall be to distribute all orders from the commander in chief to the several corps, to furnish blank forms of different returns that may be required, and explain the principle on which they should be made. And there may be appointed by each major general two aid-de-camps, who shall have rank as majors in the line : and one brigade major, in each.

each brigade, in like manner, by the respective brigadier generals, to rank as a captain in the line : and one adjutant in each regiment in like manner, by the commanding officers respectively, to rank as lieutenant ; whose duty it shall be carefully and diligently to collect, and truly make up, all returns in their several limits, at the times, and according to the form or forms that may be ordered, and to execute such legal orders as may be enjoined on them by their superior officers. And the commanding officers of regiments shall also, in like manner, appoint one paymaster, and one quartermaster to their respective regiments ; and also one surgeon and one mate ; and from the list of sergeants, drummers and fifers, shall appoint one sergeant major, one quartermaster sergeant, one drummajor, and one fitemajor : and the commanding officers of companies shall be at liberty to appoint, from the list of sergeants one orderly sergeant ; which several officers shall be liable to be displaced for misdemeanor, or neglect of duty, by the officers granting such warrants, or their successors in office.

Adjutants,

Paymaster,
& quartermaster.

Surgeons.

Orderly sergeants,

That every orderly sergeant of the respective companies of infantry, cavalry or artillery, shall take the following oath, viz. *You swear truly to perform the office of orderly sergeants, to the utmost of your skill and abilities, in all things appertaining to the office of orderly sergeant, according to law. So help you God.* Whose duty it shall be to call over the roll of the company on days of viewing of arms and training days, and notice the defects of individuals, by their absence or otherwise, and to execute all legal warrants to him directed by his superior officers, for the levying any fine or fines on delinquents, with the necessary charges arising thereon ; which he is, by virtue of said warrant, as fully empowered to do, as constables in civil cases are. That every orderly-sergeant of the infantry, cavalry or artillery, shall take an exact list of officers, non commissioned officers or soldiers, belonging to the company to which such orderly sergeant belongs, once in every year, viz. on the first Tuesday of May, and oftener if thereunto required by the commanding officer of the company to which he belongs, agreeably to such order as he shall receive, and the same transmit to the commanding officer of said company, whose duty it shall be

Their oath,

and duty.

Captain, adjutant, &c. to make return. be to inspect, certify and transmit the same to the adjutant of the regiment to which he belongs, by the twentieth day of May annually ; which adjutant, when having received the return of each company in the regiment, shall make up a similar return of the state of the whole regiment, as the case may be, and attest the same ; and it being accepted, approved and certified, by the commanding officer of the regiment, shall be transmitted to the brigade major, by the first day of June annually ; and the brigade major from the returns of the several regiments, shall make up a similar return of the strength of the whole brigade ; which being by him attested, examined, approved and certified by the brigadiergeneral, shall be transmitted to the adjutant general, by the first day of August annually, and by him formed into a general return of the military force of this state ; which being by him attested, shall be transmitted to the captain general, to be by him laid before the general assembly, at such time as he, by the advice of the council, shall think proper.

The governor, &c. to arrange militia. That the commander in chief for the time being, shall arrange the whole of the militia into divisions, brigades and regiments, and may, from time to time, make such alterations as he shall think fit : and that each colonel or commanding officer of a regiment, shall have power by regimental orders, to arrange his regiment into companies, and alter such arrangements, from time to time, as he shall think proper.

Brigade majors inspectors of their brigades. That each brigademajor shall be an inspector to said brigade, to attend the regimental parade, and shall then and there inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvres, and introduce a proper system of military discipline throughout his brigade, agreeable to such orders as he may from time to time receive from the adjutantgeneral.

Militia to rendezvous twice a year. That the militia of this state shall rendezvous twice in every year, on the first Tuesday of May, and on the first Tuesday of October, annually, for the purpose of training, disciplining, viewing arms, and other martial exercise, by companies, in their respective beats, and by regiments once in four years, or oftener, as the brigadier shall order or direct.

That the light infantry companies shall appear six times in every year, three times by companies in their respective

respective beats, and three times in squads, as the colonel or commanding officer of the regiment shall direct.

That commanding officers of brigades may, as often as they think proper, require the attendance of any or all the field officers under their command, at such time and place as they shall appoint, to confer with them on the subject of better ordering of military affairs, and promoting military skill and discipline in the said brigades : and the commanding officers of regiments shall be vested with like power, and for like purposes, to call together in like manner, any or all the commissioned officers of their respective regiments, and the field officers of regiments are hereby empowered and directed to dignify the several companies in their respective regiments and also to divide said companies, as they may with the advice of the commissioned officers of the companies proposed to be divided, from time to time judge expedient, agreeable to the provision of this act.

Brigadiers and colonels may require the attendance of field officers.

Who to dignify companies.

That a general courtmartial which may be appointed by any officers commanding brigades, shall consist of thirteen commissioned officers, who shall appoint their judge advocate ; which judge advocate so appointed, shall tender to each member, and each member is hereby required to take the following oath ; You—do swear, that you will well and truly try, and determine according to evidence, the matter depending between the freemen of the state of Vermont, and the prisoner or prisoners to be tried : and you do further swear that you will not divulge the sentence of the court until the same shall be approved of pursuant to an act, entitled, An act regulating the militia of the state of Vermont ; neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice, in a due course of law. So help you God.

General courtmartial.

Their oath.

And the president is hereby authorised to tender to the judge advocate, who is hereby enjoined to take the following oath ; You—do swear that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the courtmartial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law, and that you will not divulge the sentence of this court, until the same be approved, pursuant to an act entitled,

Oath of judge advocate.

entitled, An act regulating the militia of the state of Vermont. *So help you God.*

Officers convicted of neglect of duty.

And that every commissioned officer who shall be convicted by general courtmartial, of having refused or neglected to perform any of the duties of his office, shall be punished according to the degree and nature of his offence: provided no fine shall exceed ten pounds for the first offence, nor exceed fifty pounds for every subsequent offence: which fine shall be levied and collected by warrant under the hand and seal of the commanding officer of the brigade, directed to the adjutant of the regiment where such officer shall belong, in like manner as the fines herein after mentioned to be received of noncommissioned officers and privates for neglect or refusal of duty; which fines so collected, shall be paid into the hands of the officer granting the same, whose duty it shall be to appropriate the same for the use of the regiment where such delinquent shall belong, in providing colours, drums, &c. for the use of such regiment.

Their fines how collected and appropriated.

Officers misbehaving to be cashiered.

And whatsoever officer shall be convicted before a courtmartial of behaving in a scandalous infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be cashiered.

Brigade courtmartials.

That the commanding officers of brigades may order courtmartials for the trial of officers in his brigade, the members of which shall be warned by the brigade major, who is to keep a roster for that purpose: that the proceedings and sentence of every court martial shall be in writing, signed by the president thereof; and that all proceedings and sentences when any officer shall be cashiered, shall by the president be delivered to the commanding officer of the brigade, to be by him transmitted to the commander in chief, who shall approve or disapprove of the same in orders: and that all other proceedings and sentences of brigade courts martial, shall be delivered to the commanding officer of the brigade, who shall approve or disapprove of the same in orders.

Sentences to be in writing, & approved in orders.

Courts martial for the trial of officers.

That a court martial for the trial of general officers shall be ordered by the commander in chief, and composed of general and field officers, who shall be warned to that duty by the adjutant general, from a roster to be by him kept for that purpose, that the proceedings and sentences of such courts martial shall be transmitted by the president to the commander in chief, who

who shall confirm or disapprove of the same in general orders : provided that no sentence of court-martial on a general officer go further than a removal from office. That all sentences of courts-martial by which any officer shall be removed, and which shall be approved by the commander in chief, shall by him, from time to time, be laid before the council, to the end that the person administering the government of this state for the time being, by and with the advice of council, may appoint others instead of the officers so removed from office.

Only to remove from office.

That every noncommissioned officer or private, who shall refuse or neglect to appear when warned, in pursuance of this act, without sufficient excuse, shall for every day he neglects to appear at the regimental parade, forfeit the sum of six shillings ; and shall for every day he neglects to appear on the company parade, forfeit the sum of four shillings ; and for every day's neglect to appear on the parade assigned for the different squads for the convenience of exercise, shall pay the sum of three shillings ; and if he shall not be armed and equipped according to the directions of this act, when so appearing (without sufficient excuse) he shall for every deficiency, forfeit the sum of six pence, and appearing without a musket or firelock, the sum of three shillings.

Fines of noncommissioned officers and privates for omission.

That all persons being of the people called quakers, who would otherwise be subject to military duties by virtue of this act, and who shall refuse to perform military service, shall be exempted therefrom in time of peace.

Quakers exempted.

That all commanding officers of companies shall have power to appoint two days annually for the purpose of military exercise, exclusive of the two days for the purpose of mustering ; provided they shall not have power to call them out in either of the three summer months ; and the companies shall have three days warning for all musters and trainings ; which warning shall be given by an order from the commanding officer of the company, to any noncommissioned officer of the company, or in any other way agreed on by the company ; and every soldier warned as aforesaid, shall give his attendance at any time and place appointed, complete in arms for military exercise, and dressed in a soldier like manner, and for nonappearance, disobedience, or delinquency in arms

Captains to appoint two days yearly for mustering. b 3, The 187. ing 4 shill. 6d.

Penalty for taking of more.

shall be liable to the same fines and penalties as are directed by this act for nonappearance, disobedience, or deficiency on days for company musters; to be collected and disposed of as heretofore directed by this act.

When an invasion happens, brigadiers or colonels to order out the militia, and give notice to superior officers.

That it shall and may be lawful to and for any brigadier-general, or commanding officer of a regiment, when and as often as any invasion may happen to order out the militia under his respective command for the defence of this state; giving notice of such invasion, and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition, to the commander in chief. And that in case of insurrections, the commanding officer of the regiment within the limits of which any such insurrection may happen, shall immediately assemble his regiment, or such part thereof as to him may appear necessary, under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the commander in chief, shall proceed to take such measures to suppress such insurrection, as to any three judges or justices of the peace in and for the county where such insurrection shall happen, may appear most proper and effectual. And if any person be wounded, or disabled while in actual service, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for at the public expense, without having any regard to the rank such person may hold.

in Commissary of Stores or to be appointed.

And that it may and shall be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council, to appoint a commissary of military stores, who shall be allowed an adequate reward for his service: and such commissary shall have the charge and keeping of the ordnance and military stores of this state, subject to such order and instruction in the execution of his duty, as he shall receive from the commander in chief.

Courts martial for the trial of officers.

And that every noncommissioned officer and private, who shall neglect or refuse to obey the order of his superior officer while under arms, shall forfeit for every such offence, a sum not exceeding ten shillings, if any such noncommissioned officer or private, enrolled

enrolled to serve in either of the companies of artillery, cavalry, or infantry, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall desert from his colours, or guard, without the permission of his superior officer as aforesaid, he shall suffer such fine as shall be inflicted by a court-martial, as the nature of the case may require, not exceeding twelve shillings.

And be it further enacted by the authority aforesaid, That no person or persons, when spectators at any review or muster, or training, shall be allowed to stand on or occupy the ground, within twenty yards of any regiment, troop of horse, company or squad, when manœuvring; and the officer commanding such regiment, troop, company or squad, shall have a right, by a regular guard, to remove any such person or persons off the ground or parade that he wishes to occupy for martial exercise.

Spectators intruding.

That all persons who have heretofore been commissioned or noncommissioned officers, in the line of the army of the united states, or in the militia of this or either of the united states, and have been lawfully discharged, shall be, and hereby are, exempted from serving in the militia of this state, excepting only that when any of the above said commissioned or non-commissioned officers be duly required to serve in the militia of this state, in the rank formerly sustained by said officer, or a higher rank, and shall neglect or refuse to serve as aforesaid, he shall be liable to do duty as a private, in the militia of this state: any thing in this act to the contrary notwithstanding.

Persons formerly officers exempted.

Be it further enacted by the authority aforesaid, That the several acts, or parts of acts, heretofore passed, regulating the militia of this state, be, and hereby are, repealed.

Former acts repealed.

An act regulating mills and millers.

Passed

BE it enacted by the general assembly of the state of Vermont, That each miller or owner of any gristmill, in this state, shall be allowed two quarts out of each bushel of indian corn he grinds, and for english grain two quarts out of each bushel and one pint for boulding; except malt, out of each bushel of which he shall have one quart, and no more.

March 3, 1787.

Millers toll.

And if any miller shall take or receive any greater toll for grinding than is herein before allowed, he shall forfeit and pay twenty shillings, on each conviction of

Penalty for taking more.

the

the breach of this act, one moiety whereof shall be to the complainer who shall prosecute the same to effect, and the other moiety to the treasury of the town where such offence shall be committed.

*Sealed
measures
to be provi-
ded.*

And there shall be provided for every gristmill within this state, by the owners of such mills, sealed measures, viz. one of a pint, one of a quart, one of two quarts, and one of three quarts, for their toll measures, with an instrument to strike the said measure, which shall be stricken, when toll is taken of any grain brought to such mills to be ground, stricken measure.

*Passed Feb.
20, 1787.*

An act regulating the trial of persons, who, on being arraigned for crimes against the state, shall stand mute.

Preamble.

WHEREAS, the judgment directed by the common law, in case of a prisoner's refusing to plead, is marked by circumstances manifestly repugnant to that spirit of humanity which should ever distinguish a free, civilized, and christian people. Wherefore,

*Criminal
standing
mute, to be
construed a
traverse.*

BE it enacted by the general assembly of the state of Vermont That in all criminal cases, where the party indicted or complained of shall, on being arraigned, obstinately refuse to plead and be tried in due course of law, such standing mute shall be adjudged to amount to, and be a proper traverse or denial of the facts charged in the indictment or complaint: and the trial shall thereupon proceed in like manner, and the same judgment shall be given against the said party, if found guilty, as if he, she or they had, on being arraigned, duly plead, and in proper form respectively put themselves on their trial.

*Passed
March 9,
1787.*

An act directing what money shall be a legal currency in this state, and at what rate the same shall pass.

*Weight of
coins.*

BE it enacted by the general assembly of the state of Vermont, That all genuine coined gold, silver [and copper,] shall be legal money in this state and shall pass as follows, viz. all gold coin of the fineness of a half-johannes, at the rate of five shillings and four pence a penny weight: silver coin, estimating the silver spanish milled dollar weighing not less than seventeen penny weight and six grains, at six shillings each; and all other silver coins in proportion thereto, according to its weight and fineness; [and all

all genuine coined coppers, three of which weigh not less than one ounce, shall pass for two pence.

An act to prevent the sale and transportation of negroes and mulattoes out of this state.

Passed
Oct. 30,
1786.

Whereas, by the constitution of this state, all the subjects of this commonwealth, of whatever colour, are equally entitled to the inestimable blessings of freedom, unless they have forfeited the same by the commission of some crime; and the idea of slavery is expressly and totally exploded from our free government. And whereas instances have happened of former owners of negroes, in this commonwealth, making sale of such persons as slaves, notwithstanding their being liberated by the constitution; and attempts have been made to transport such persons to foreign parts, in open violation of the laws of the land.

Preamble.

BE it therefore enacted by the general assembly of the state of Vermont, That if any person shall hereafter make sale of any subject of this state, or shall convey or attempt to convey, any subject out of this state, with intent to hold or sell such person as a slave, every person so offending, and convicted thereof, shall forfeit and pay to the person injured, for such offence, the sum of one hundred pounds, and cost of suit; to be recovered by action of debt, complaint or information.

Penalty
for selling
subjects of
this state.

An act to prevent falling trees into creeks and rivers.

Passed
March 9,
1787.

WHEREAS mills and bridges standing on the creeks and rivers, in this state, are much endangered by trees and timber floating down the streams, and the current is in many places obstructed or shifted by the lodging of timber, so as to impede the passage of boats, and do other damage.

Preamble.

BE it therefore enacted by the general assembly of the state of Vermont, That if any person shall fall, put in, or draw near, any creek or river in this state, and suffer to float down the stream, any trees or timber, not being well trimmed, & which is of a greater length than twenty feet, he shall forfeit & pay the sum of fifteen shillings for each tree or stick so fell, put in, or drew near, such creek or river, and suffered to float down as aforesaid, to the use of any person who shall sue for and prosecute the same to effect, before any court proper to try and determine the same; and shall also pay all damages which the public or individuals shall sustain thereby.

Penalty
for falling
trees into
rivers and
creeks.

An

Passed
Feb. 27,
1787.

*Forms of
oaths estab-
lished.*

An act prescribing and establishing forms of oaths in this state

BE it enacted by the general assembly of the state of Vermont, That the several forms of oaths following, be, and they are hereby, established to be taken by, and administered unto, the several respective officers and persons for whom they are appointed, as followeth.

For the grand jurors attending the supreme and county courts, viz.

*Grand ju-
rors.*

You swear by the ever-living God, that you will diligently inquire after, and true presentment make, of all breaches of law that shall come to your knowledge, according to your charge, (unless some religious tie of conscience, surely founded upon the word of God, bind you to secrecy.) The counsel of the state, your own counsel, and that of your fellows, you will keep secret. You will present no man for envy, hatred, or malice; neither will you leave any man unpresented for love, fear, favor, or affection, or in any hope of reward: but you will present things truly, as they come to your knowledge, according to the best of your understanding, and according to the laws of this state. *So help you God.*

For the petit jurors in criminal cases, viz.

*Petit ju-
rors in
criminal
cases.*

You swear by the everliving God that without respect of persons, or favor of any man, you shall well and truly try, and true deliverance make between the state of Vermont, and the prisoner at the bar, whom you shall have in charge, according to your evidence and the laws of this state. *So help you God.*

For jurors in civil cases, viz.

*Jurors in
civil cases.*

You swear by the everliving God, that you will truly try the issue or issues, now to be given you in charge, between the plaintiff and defendant, or plaintiffs and defendants, according to the evidence given you in court and the laws of this state, and accordingly a true verdict give. Your own counsel, and that of our fellows, you shall duly observe and keep. You shall speak nothing to any one, of the business and matters you have in hand, but among yourselves, nor shall you suffer any to speak unto you about the same, but in court. And when you are agreed of any verdict, you shall keep it secret until you deliver it up in court. *So help you God*

For witnesses, viz.

You

You swear by the everliving God, that the evidence you shall give to this court, concerning the case now in question, shall be the truth, the whole truth, and nothing but the truth. *So help you God.* *Witnesses.*

For appraisers of estate on execution, viz.

You ——— being appointed to appraise such estate as is to be now presented to you, do swear by the everliving God, that all partiality, prejudice, and other sinister respects laid aside, you will appraise the said estate, according to the present true and just value thereof in money, to the creditor or creditors who are to receive the same; and that you will do therein according to your best judgment and conscience. *So help you God.* *Appraisers on execution.*

For the jury of inquest, viz.

You swear by the everliving God, that you will diligently inquire, and true presentment make, how, and in what manner, A. B. (here lying dead) came to his death, & you shall deliver to some near justice of the peace a true verdict thereof, according to such evidence as shall be given you, and according to your knowledge. *So help you God.* *Jury of inquest.*

For appraisers of deceased persons estates, viz.

You swear by the everliving God, that all partiality, prejudice, and sinister respects laid aside, you will appraise all such estate, both real and personal, of C. D. late of ———, deceased, as shall be offered unto you, according to the present true and just value thereof in money, by your best judgment and conscience. *So help you God.* *Appraisers of deceased persons estates.*

For distributors of estates, viz.

You swear by the everliving God, that you will, according to your best judgment and discretion, faithfully and equally divide the estate of A. B. according to the order of court now given you. *So help you God.* *Distributors of estates.*

For chainmen assisting the county surveyor, viz.

You A. B. and C. D. being desired to assist F. G. surveyor, in carrying the chain, do swear by the everliving God, that you will faithfully assist the said surveyor in his service, and that you will keep a true account of all lines or measures by you taken, and the same give up to said surveyor at his desire, according to your best skill and ability. *So help you God.* *Chainmen.*

For the committee to lay out or alter highways, viz.

You swear by the everliving God, that you will lay

*Committee
to lay out
highways.*

lay out the way, mentioned in the precept by which you are now summoned, according to the best of your skill and judgment, with most convenience to the public, and least prejudice to any particular person or persons; and that you will make a just estimation of the damage done to the property of any particular person or persons, by laying said way, according to your best judgment and according to law. *So help you God.*
For the jury to inquire into forcible entry and detainer, viz.

*Jury, in
forcible en-
try, &c.*

You swear by the everliving God, that you will well and truly inquire of the forcible entry or forcible detainer, (as the case may be) now complained of, and return a true verdict thereof according to your own view, and the evidence given you in court. *So help you God.*

*Passed
March 8,
1787.*

An act for the partition of lands.

*Partners
in land
compelled to
divide.*

BE it enacted by the general assembly of the State of Vermont, That all persons having or holding, or that shall or may at any time hereafter, have or hold, any lands, tenements or hereditaments, as coparceners, joint tenants, or tenants in common, may be compelled, by writ of partition, to divide the same when the partners cannot agree to make partition among themselves.

Proviso.

Provided, That this act be not construed to extend to town commons, or sequestered lands.

*Mode of
suing a
writ of
partition.*

That when any one or more partners as aforesaid shall procure a writ or partition to be issued against the other partners, the same shall be served in the like manner as other writs in civil causes are directed by law to be served, at least thirty days before the return thereof, if the defendants are inhabitants of this state; but when it shall appear to the satisfaction of any court before whom such writ of partition is or shall be depending, that any or all the defendants mentioned in such writ, are not inhabitants of this state, or are absent from the same at the time of serving the writ, and do not return before the entry of the action upon the clerk's docket, in such case the said court shall continue the action to the next court (unless the plaintiff or plaintiffs shall make it appear to the satisfaction of the court, that the defendant or defendants had notice of the service of such writ, a sufficient time before the return thereof, to have appeared at said court at the first day of the sitting thereof); at which

which time the said court shall proceed to appoint three able and indifferent freeholders commissioners to divide said lands tenements or hereditaments, unless commissioners for that purpose shall be mutually agreed on by all the parties interested ; which said commissioners shall (after being duly sworn by any justice of the peace, to execute the trust reposed in them without fear, favor, affection, or sinister respects) publish for four weeks successively, in one of the newspapers of this state, notice of their appointment, and that a certain day and place to be therein mentioned, they will proceed on the said partition. And the said commissioners shall cause a survey of such land, to be by them divided, to be made ; and having set apart such portion thereof as they conceive to be sufficient to defray all expences of the partition, the residue shall be divided into at least as many lots or parcels as there are partners, and in such manner that the share or shares of each, as near as may be, as well in quality as in quantity, may upon balloting, be drawn to the name of each partner : and where there is or shall be any disputed lands to be divided, a proportionate part thereof shall be allotted to each partner.

*Duties of
commission-
ers.*

That when the commissioners shall have compleated surveying and allotting the tract to be by them divided, they shall cause an accurate map & field book, specifying the bounds of every lot, to be made and signed by themselves and their surveyor ; after which they shall give notice four weeks successively, in one of the newspapers printed in this state, and require all persons interested to attend, at a particular time and place to be therein mentioned, to see the allotments ballotted for : at which time and place, the said commissioners having made as many tickets as there are allotments, with the number of each allotment on every ticket ; and as many tickets as there are partners, with the name of each partner on every ticket ; the tickets of names shall be put into a box, and the numbered tickets into another box ; and one of the commissioners, or some person to be by them appointed, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and set the name of the partner upon the lot in the map drawn to him or her ; and so proceed untill all the tickets are drawn ; and the allotment

*Commis-
sioners to
cause an
accurate
map & field
book to be
made, &c.*

*Court to
ratify the
partition.*

on the map bearing the number of the ticket drawn next after drawing the ticket with the name, shall be the separate and divided share of that partner, in the lands so to be divided, and of all persons holding under him. Of which ballotting, and all the proceedings in such partition, the said commissioners shall make a full and fair entry and minute, in a book; which book, together with the map and field book, and certificates of their being duly sworn, shall be returned to the next court where the cause shall be depending, and filed with the clerk of said court: and unless sufficient reason be shown to the contrary, the said division shall be ratified by the said court, and remain firm and valid forever: which books and proceedings, or office copies thereof, shall be good evidence of such partition, in any court of record in this state.

*Lana to be
sold for to
pay expenses.*

And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, within one year next after the ratification of such division by the said county court, shall proceed to sell that part of the tract which was set apart to defray the expense of the partition, at public vendue, to the highest bidder, after giving four weeks public notice in one of the said newspapers; and their deed to the purchaser shall pass as good a title to such bidder, for the separate enjoyment of the same, as if all the partners or proprietors of the said lands had made and executed the same in due form of law.

Provide.

Always provided, That no commissioner, or any other person in trust for him, shall become purchasers of the land so to be sold or any part thereof.

Commissioners accounts to be audited.

And of the whole charge attending such partition, the said commissioners shall keep, and state, a particular account, and lay the same before the court; who shall either in court, or by some meet person by them to be appointed, audit the same, after the persons interested have had opportunity of being heard in objection to the same; and out of the money arisen by such sale, the commissioners may detain so much as the person auditing their account shall allow, for their services and disbursements in completing the partition: and the surplus (if any there is) shall be divided amongst the partners whose lands are sold, in proportion to the expence due from each of them.

Provided

Provided always, That whenever any one or more partners shall pay his or their proportion of the expences of the division, no part of the land of such partner shall be sold, but said commissioners shall allow to him or them, his or their full share or part of land, and sale shall be made only of his or their parts who neglect paying their proportion of the expence.

Proviso.

And it is further provided and enacted by the authority aforesaid, That when either of the partners made defendants in such writ of partition, have no usual place of abode within this state, a copy of such writ, attested by the person serving the same, being posted upon some public place on the land to be divided, thirty days before the sitting of the court at which the writ is returnable, shall be held and deemed as good a service on such defendant living out of the state, as if the writ had been read in his or her hearing.

Service of writ on nonresident partners

And whereas it may frequently happen that some of the owners of lands so intended to be divided, have made, or will hereafter make, conveyances of their rights or shares in such tracts, without the knowledge of the other owners, and may by that means, from time to time, frustrate the beneficial purposes of this act.

Preamble.

Be it further enacted by the authority aforesaid, That no partition to be made by virtue of this act, shall be deemed void on account of any owner or partner not being a party in the suit, whose deed shall not be recorded according to law at the time of issuing the writ of partition; and that if any lot or parcel of land, in making such partition as aforesaid, shall be drawn for any person other than the legal owner thereof, the same shall be and enure to the use and benefit of the legal owner or owners, their heirs and assigns, in like manner as if the same had been allotted to the said owner or owners.

Where some partners have said &c.

And be it further enacted by the authority aforesaid, That the guardians of all minors shall be, and are hereby fully empowered, (with the assistance of such persons as the court of probate shall for that end appoint) to make division of any such land, with the surviving partners or tenants, as fully and amply as the original partners and tenants might or could have done; and such minors, their heirs and assigns, shall be

Guardians to act for minors

be firmly bound and concluded by any such division made by their guardians. And the several courts of probate are hereby directed (when they shall conceive the same to be necessary), upon application of such partner, tenant or guardian, to appoint any suitable person to assist such guardians, in making division as aforesaid.

Commissioners powers to vest in the survivor of them.

And be it further enacted by the authority aforesaid, That if any of the commissioners, so to be appointed to make a partition by virtue of this act, shall die before the same is completed, their powers shall vest in and be exercised by, the survivors or survivor of them.

Passed March 8, 1787

An act for the prevention and punishment of frauds and perjuries.

Preamble.

WHEREAS frauds and perjuries may be frequently committed, by evil minded persons, for their private advantage, for the avoiding of some debt or duty owing from themselves, or others, or for the gratification of private resentment :

Which evils to prevent :

Penalty for perjury.

BE it enacted by the general assembly of the state of Vermont, That if any person, either by the subornation, unlawful procurement, reward, sinister persuasion, or means of any other, or by his own act, consent or agreement, shall wilfully and corruptly, commit any kind of wilful perjury, in any cause or matter, depending before any court of law or equity, auditors, referees, or arbitrators ; such person being thereof duly convicted, shall pay a fine of thirty pounds to the public treasury of this state, and shall be imprisoned for the space of six months without bail or mainprize, and shall thenceforth be discredited, and disabled forever to be sworn in any court, until the judgment given on such conviction be reversed ; and the person so offending, shall forfeit and pay to the party aggrieved by such offence, treble damages, to be recovered by action on this statute.

And if such offender shall be unable to pay the aforesaid fine, he or she shall be set in the pillory for the space of two hours, in the county town of the county where the offence was committed, and shall have both his ears nailed and cut off.

And if the judgment rendered on such conviction shall be reversed by due course of law, the person or persons

persons aggrieved by such judgment, shall have a right to recover his or their damages against all and singular the persons who procured such judgment, so reversed, to be given, by action on this statute.

Perjured person to pay damages.

And all and every person, who shall unlawfully and corruptly procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labor or means whatsoever, to commit any wilful or corrupt perjury, in any matter or cause whatsoever, depending before any court of law or equity, auditors, referees, or arbitrators, every such offender being thereof duly convicted, shall for his or their offence, be proceeded against, and suffer the like pains, penalties, forfeitures and disabilities, in all respects, as for corrupt and wilful perjury.

Subornation of perjury.

Be it further enacted by the authority aforesaid, That if any person or persons, shall willingly and falsely, forge and make, or cause to be forged and made, or shall aid, abet, help or assist, in the falsely forging and making, any false deed or conveyance, will, testament, bond, bill, receipt, release, acquittance, letter of attorney, or any other writing to prevent equity and justice, or to promote injustice; such person or persons, being thereof duly convicted, shall stand in the pillory three several days of public meeting, not exceeding two hours each day, and render and pay to the party or parties injured thereby, double damages; to be recovered by action founded on this act; and shall also be rendered incapable; and be disabled, to give any evidence or verdict, in any case whatever.

Penalty for forger.

Be it further enacted by the authority aforesaid, That all fraudulent and deceitful conveyances of lands, tenements, hereditaments, goods or chattels, and all such bonds, suits, judgments, executions or contracts, made to avoid any debt or duty of others, shall (as against the party or parties only whose debt or duty is endeavoured to be avoided, their heirs, executors or assigns) be utterly void; any pretence or feigned consideration notwithstanding.

Fraudulent conveyances &c. to be void.

And every of the parties to such fraudulent conveyance, bond, suit, judgment, execution or contract, who being privy thereunto, that shall willingly justify the same to be done *bona fide*, and upon consideration, or shall alien and assign any lands, leases, goods or chattels, so to them conveyed as aforesaid, shall

Penalty for justifying fraudulent contracts.

shall forfeit one year's value of the lands, lease, rents, common, or other profits, out of the same, and the whole value of the goods and chattels, and also so much money as shall be contained in such covenous bond or contract, and being thereof convicted, shall also suffer a half year's imprisonment, without bail : which above forfeiture shall be equally divided between the party grieved, and the county treasurer, except the purchaser make it appear by two witnesses, that the contract or bargain was made *bona fide*, and on good consideration, before any seizure made by the creditor, or officer, of the estate so conveyed, and that it was without any design of fraud to defeat the creditor of his just dues.

*Passed
March 9,
1787*

Preamble.

*Poor to be
supported
by their re-
lations.*

An act providing for, and ordering, transient, idle, impotent and poor persons.

FOR the better ordering, providing for, and supporting, such persons as become, or are likely to be, unable properly to support themselves and families.

BE it enacted by the general assembly of the state of Vermont, That when, and so often, as it shall happen, that any person or persons shall be naturally wanting of understanding, so as to be unable to provide for themselves; or by the providence of God, by age, sickness, or otherwise, become poor and impotent, or unable to provide for themselves, and have no estate wherewith they may be supported; they, and every of them, shall be provided for and supported by such of their relations as stand in the degree of father or mother, grand-father or grand-mother, children or grand-children, if they are of sufficient ability to do the same; which sufficient relation shall provide such support and maintainance, in such manner, and proportion, as the county court of the county, where such person wanting relief lives, shall judge just and reasonable, whether such sufficient relations live in the same or another county: and the said courts are hereby fully authorized, upon application made to them, either by the selectmen of the town, or any one or more of such relations, to order the same accordingly.

Provido.

Provided, That nothing herein contained shall be construed to oblige grand-children to support their grand-parents, unless so far as they have received estate, either mediately or directly, from the grand-parents

parents, nor to take so much property from a grand-parent, for the support of a grand-child, as to deprive such parent of a comfortable subsistence, at the discretion of said court.

And if any such relations, who shall be by such court assessed, or ordered to pay any certain sum or sums for the purpose aforesaid, shall neglect to do the same, or to give sufficient security to abide by and fulfil the judgment of the court, the said court may award execution quarterly against such persons respectively, for levying so much as they are assessed, to be delivered into the hands of the complainant or complainants respectively, for the purpose aforesaid.

*Execution
to issue
quarterly.*

But if such idiot, distracted, or impotent person, have any estate, the county court of that county where they dwell may order and dispose thereof, in such manner as they shall judge best for and towards the support of such persons; as also of the persons themselves, to any proper work or service he, she, or they, may be capable of performing, at the discretion of the selectmen; or the selectmen may appoint and empower some meet person a conservator to take care of and oversee such idiot, distracted, or impotent persons, and their estates, for their support, who shall be accountable to said selectmen for their management of said trust, when ordered by said selectmen.

*Idiots, &c.
to be maintained out
of their estates, if
any.*

And if the estate of such idiot, distracted, or impotent person, consists of houses or lands, the general assembly (upon application made to them) may licence and authorize the selectmen of the same town, or some other meet person, to make sale of such houses or lands or so much of them as the assembly shall see fit to order, to and for the use, relief, and benefit, of such impotent person; the produce thereof, on sale, to be secured and employed for the purpose aforesaid, so long as such person shall live, or until he or she shall be capable of providing for and taking care of him or herself, and the overplus (if any there be) in case of restoration, to be to and for the use of the person, and in case of death to and for the use of the next and right heir of such person.

*Assembly to direct the
sale of lands*

That if such idiot, distracted, poor and impotent person, have not estate (the income of which being improved or disposed of as aforesaid,) sufficient for their support, and no relations appear to provide for them

*Provision
where there
is no estate
or sufficient
relations.*

them, or stand in so near a degree that they may be compelled thereto, in every such case the selectmen or overseers of the poor in the town where such person is by law an inhabitant, be, and they are hereby, empowered to take effectual care, and make necessary provision for the relief, support and safety of such person, at the charge of the town or place where he or she of right belongs, and if they belong to no town or place in this, or the other american states, then at the cost of this state.

*Selectmen
may appoint
overseers
for persons
likely to be
reduced.*

Be it further enacted by the authority aforesaid, That the selectmen, for the time being, in the several towns in this state, shall, from time to time, diligently inspect into the affairs and managements of all persons within their town, whether householders or others; and if they find any person or persons that are likely to be reduced to want, by idleness, mismanagement, or bad husbandry, that then such selectmen may appoint an overseer to advise and direct such persons in the management of their business, for such time or times as they shall think proper; a certificate of which appointment shall be set upon the sign post, and a copy thereof lodged in the town clerk's office, by such selectmen, forthwith: and thereupon no person, while under such appointment, shall be able to make any bargain or contract, without the consent of such overseer, that shall be valid in law.

*may con-
vene idle
persons be-
fore author-
ity to be ex-
amined.*

And if such measures do not prove sufficient to reform such person, then the selectmen may, and they are hereby directed, to make application to the next justice of the peace, and inform him thereof; which justice is hereby directed and empowered, at the request of the selectmen, to issue his warrant to the sheriff, his deputy, or either of the constables of that town, commanding him to take the body of such person, and bring him before such authority, in order that such person may be examined concerning his idleness or mismanagement and be dealt with according to this act.

*May bind
out them
and their
families.*

And in case such person, who shall be informed against, shall abscond, so that he cannot be taken, then the officer shall serve such warrant by leaving a true and attested copy thereof at the usual or last place of his abode; and after the proceedings above directed, the selectmen (if no sufficient reason be offered

to the contrary) shall, by and with the advice of such justice, and, having such advice, are hereby authorized to take such person, and his family, if any he hath, into and under their care, and such person and family assign, bind, or dispose of, in service, as they shall judge best.

And when the selectmen shall have taken into their care any such person, and disposed of him as aforesaid, or in case of his absconding as aforesaid, being proceeded against as aforesaid, the selectmen are hereby authorized and fully empowered, by and with the advice of such justice, to take into their custody all the lands, goods, chattels, and credits, of such person, and the same dispose of, improve, and manage, for the best good and advantage of such person, or his heirs.

May dispose of their estate.

Always provided, That no selectmen shall sell the land of such idle, mismanaging, or poor person, without the order of the general assembly.

Provido.

And the selectmen shall publish their doings with and on such estate taken by them as aforesaid, by forthwith setting up a certificate thereof, under the hands of such authority and selectmen, at some public place in the town, and lodge a copy thereof in the town clerk's office in said town; and shall also, within ten days after the taking of such estate, make a true and perfect inventory, of all and singular the goods, chattels, and credits, of such person, which shall come into their hands, with a just estimate of the true value of every article thereof, by the appraisment of two indifferent freeholders, under oath, being thereto appointed and sworn by said authority; which inventory, so taken, shall be lodged in the town clerk's office of that town.

Selectments to publish their doings herein.

To make an inventory.

And if any person or persons shall detain or withhold from such selectmen, any estate, lands or credits belonging to such idle, mismanaging, or poor person, the selectmen are hereby empowered to demand and recover the same by action, or other lawful means; which being recovered and received by such selectmen, shall be inventoried and improved as aforesaid.

May recover the estate by action.

And the said selectmen shall take care to pay out of such estate, the just debts due from such persons, so far as the same shall extend.

Shall pay debts.

And if any person or persons shall be aggrieved with the doings of such selectmen, in any such case,

R

they

They may
apply and
complain
to the county
court in

they may apply and complain to the county court in that county for relief, who are hereby empowered to afford such relief, as on hearing the case they shall think convenient and just, and give orders therefor, and put the same into execution.

And all such
persons who
shall be taken,
and whose
estates shall be
taken, and
disposed of
according to
this act, shall
be disabled to
make any
contract, act
or deed that
shall be binding
upon their
persons or
estates, as
minors under
guardians by
law are, until
by their industry,
good management,
and application
to business, they
shall obtain a
certificate under
the hands of such
selectmen and
authority, that
they are released,
and their estate
put into their
own hands and
improvement.

And all such persons who shall be taken, and whose estates shall be taken, and disposed of according to this act, shall be disabled to make any contract, act or deed that shall be binding upon their persons or estates, as minors under guardians by law are, until by their industry, good management, and application to business, they shall obtain a certificate under the hands of such selectmen and authority, that they are released, and their estate put into their own hands and improvement.

Be it further
enacted by the
authority
aforesaid, That
if any transient
person or persons
shall be taken
sick or lame,
in any town in
this state, whoever
shall keep such
person or persons,
(if such transient,
sick, or lame
person, be not of
sufficient ability)
shall defray all
such expence,
until complaint
thereof be made
to the selectmen
of such town;
after which such
selectmen shall
provide for such
transient, sick
or lame person
according to law.

Be it further enacted by the authority aforesaid, That if any transient person or persons shall be taken sick or lame, in any town in this state, whoever shall keep such person or persons, (if such transient, sick, or lame person, be not of sufficient ability) shall defray all such expence, until complaint thereof be made to the selectmen of such town; after which such selectmen shall provide for such transient, sick or lame person according to law.

And be it
further enacted
by the authority
aforesaid, That
each town in
this state shall
take care of,
support and
maintain their
own poor.

And be it further enacted by the authority aforesaid, That each town in this state shall take care of, support and maintain their own poor.

And the
selectmen for
the time being,
or overseers of
the poor (where
any such are
chosen) shall
have full power
to expend or
disburse out of
the town stock
or treasury, what
they shall judge
necessary from
time to time,
for the relief and
support of any
of the poor
belonging to
their towns, so
far as the
amount of four
pounds.

And the selectmen for the time being, or overseers of the poor (where any such are chosen) shall have full power to expend or disburse out of the town stock or treasury, what they shall judge necessary from time to time, for the relief and support of any of the poor belonging to their towns, so far as the amount of four pounds.

And if more be needful, the said selectmen or overseers, or the major part of them, shall, with the advice of the authority of that town, (if any there be) expend and disburse what shall be by them judged needful, for the relief of the poor as aforesaid.

And in case there be no justice of the peace in any town, the selectmen or overseers aforesaid of such town, may act as fully as if they had such advice in the case aforesaid, for the relief of their poor, and for the supplying them, or any of them, with food, cloathing, firewood, or any other thing necessary for their support or subsistence.

And

And if any selectman or overseer of the poor do neglect or refuse to give a just account upon oath, of what he has expended as aforesaid, and what of the town stock or money is in his custody, upon ten days warning, before a justice of the peace, when called to by the town, and to return what is not expended, to and for the use aforesaid, to the town, he or they shall be committed by the justice of the peace to the common jail, there to remain at his or their own cost and charge, until he or they shall give such account, and make such return as aforesaid.

*Penalty for
selectmen
not account-
ing for
monies.*

That if any poor person or persons, who have had, or shall have, relief, or supplies from any town, shall suffer their children to live idly, or mispend their time in loitering, and neglect to bring them up or employ them, in some honest calling which may be profitable to themselves and the public; or if there shall be at any time any family that cannot or do not provide competently for their children, whereby they are exposed to want or extremity, or if there be any poor children in any town that live idly, or are exposed to want and distress, and there be none to take care of them; it shall and may be lawful for the selectmen, or overseers of the poor, in each town, and they are hereby empowered and directed, with the assent of the next justice of the peace, to bind out any and every such poor child or children belonging to such town, to be apprentices or servants where they shall see convenient; a male child till he comes to twenty one years of age, and a female till she comes to the age of eighteen years: which binding shall be as effectual to all intents and purposes, as if any such child were of full age, and by indenture of covenant had bound him or herself.

*Selectmen
to bind out
children
exposed to
want.*

And be it further enacted by the authority aforesaid, That no person shall gain a settlement in any town in this state, and be liable to be supported thereby, unless such person was born therein, or has owned, or shall own estate in such town, of the value of two hundred pounds, clear of all demands against him or her, or of the yearly value of ten pounds.

*What
gains a set-
tlement.*

And whenever any person not having any settlement in the town where he shall reside, shall become chargeable, or be likely to be chargeable thereto, it shall be lawful for any justice of the peace of the same county, to order the removal of such poor person

son

*A justice
may order
the removal
of a poor
person to
the place of
his settle-
ment.*

*Penalty
for not re-
ceiving
such poor.*

*Penalty if
poor re-
turn with-
out leave.*

*Passed
March 9,
1787*

Preamble.

son to the place of his or her legal settlement, and to issue his warrant therefor to the constable of the town where such poor person resides, who shall by virtue thereof, transport such poor person, and his or her effects (if any he or she shall have) to the place of settlement of such person if within this state, and if the place of such person's settlement shall be without the state, then to transport him or her out of the state, on the direct rout to his or her place of settlement: and the said constable shall deliver such poor person (if his or her place of settlement be within this state) to one of the selectmen of the town to which by his warrant he is directed to remove him or her, and a copy of the order of removal, attested by the justice making the same: and if such selectmen shall refuse to receive any poor person so removed and delivered to him, he shall forfeit and pay for each offence, four pounds to the treasury of the town from which such person was removed. And if the selectmen of the town to which such person shall be removed, shall think such town aggrieved by the order of removal, they may appeal to the next county court of the county in which the justice who made the order resides, giving reasonable notice in writing of such appeal; and if it shall appear to the county court that reasonable notice was not given, they shall continue the appeal, and such court is hereby empowered to make final order therein, and to award execution for costs, and also for such damages as the appellants shall have sustained, if judgment be rendered in their favor.

And if any person legally removed as aforesaid, shall return to the place from which he or she was removed, without leave of the select men of the town, the person returning shall, for every such offence, be whipped on the naked back, not exceeding ten stripes, by order of any justice of the peace in the same county.

An act for establishing post-offices within this state.

WHEREAS the business of promulgating the laws, conveying timely notice to the inhabitants of the state of all proprietary proceedings, and other matters of importance to the public, can in no other way be effected so extensively, and with so small expense,

as by the appointment of regular posts, for conveying the same to the different parts of this state.

BE it enacted by the general assembly of the state of Vermont, That there be five post offices established within this state, one in Bennington, one in Rutland, one in Brattleborough, one in Windsor, and one in Newbury, under such regulations as are established for the government of the postoffices in the United States.

Five post offices established.

[That the post rider from Bennington to Brattleborough be allowed three pence per mile travel, and those on each of the other routs (including a post rider from Bennington to Albany) two pence per mile, every time they respectively perform their routs, in hard money orders, or hard money.]

Allowance to posts.

And be it further enacted by the authority aforesaid, That the postmaster general be, and he hereby is, empowered to employ a post to ride from Rutland in the county of Rutland, through the county of Addison, upon such rout or routs as he shall judge will best accommodate the inhabitants of said county of Addison, in promulgating the laws of this state, &c.

A post through Addison county.

[And such post shall be allowed two pence per mile, each fortnight, for one half the circuit, going one road, and returning another; to be paid as aforesaid.] And the said postmaster general is authorized hereby to establish postoffices in such towns in Addison county as he shall find necessary.

And be it further enacted by the authority aforesaid, That the several post masters be directed to keep a regular account of all profits and emoluments arising from the office, and exhibit the same to his excellency the governor, and the honorable council of the state, when requested.

Where postmaster is to exhibit their accounts.

That until the further order of the legislature, the postriders from the several offices shall be entitled to an exclusive right of carriage, and enjoy the advantage of the fees arising from the carriage of letters and packets of every kind, and that the rate of postage be the same as in the United States.

Post riders to have the exclusive right of carriage, &c.

And be it further enacted by the authority aforesaid, That no person presume to ride on any of the routs of such established posts, for the purpose of carrying letters, packets, or other matters particularly within the province of such established posts to carry, on penalty of paying the sum of ten pounds, to and for the

Penalty for interference with the posts.

the

the use of any postmaster, who shall prosecute the same to effect, for every such offence.

And be it further enacted by the authority aforesaid,

Persons to frank letters. That his excellency the governor, and such other persons as the legislature shall in future authorize, shall have authority to frank any letters or packets; for which letters or packets no postage shall be demanded.

Passed March 8, 1787. An act for maintaining stocks, signposts and pounds in this state, and for regulating the impounding of creatures, and for punishing rescues and pound breaches

Towns to maintain stocks. **B**E it enacted by the general assembly of the state of Vermont, That each town in this state shall maintain, and, as often as the same shall be necessary, make at their own charge, a good pair of stocks, with a lock and key sufficient to secure offenders who shall be sentenced to sit therein; which stocks shall be erected in the most public place in each respective town.

Signpost. And in the same place there shall be a signpost maintained in sufficient repair, at the charge of said town, on which all notifications, warrants for meeting, &c. shall be set up.

Pounds. And there shall also be, from time to time made, and kept in sufficient repair, in every town in this state, at the charge of such town, a sufficient pound or pounds, not exceeding three, with a lock and key to each, for the keeping all such creatures as by law shall be liable to be impounded.

Penalty for neglect. And it is hereby declared the duty of the selectmen in each town, to make and keep in sufficient repair, from time to time, such stocks, signposts, and pounds, at the cost and charge of such town: and if any town in this state shall be without such stocks, signposts, or pounds, the said selectmen shall forfeit the sum of twenty shillings per month, for each article in which they are so deficient; one half to the treasury of the county in which such delinquent town lies, and the other half to him or them who will prosecute for the same to effect before any court proper to try the same.

Proviso. *Provided nevertheless,* That if any town have granted, or shall grant, to any particular parish or district liberty, at their own cost and charge, to erect a pound

and or pounds for their conveniency. (which
 such towns are hereby empowered to make)
 pound or pounds shall be maintained by the
 ish or district, and the selectmen shall not
 air or be punishable for any defect therein.

Be it further enacted by the authority aforesaid. That
 every person impounding any creatures, shall give
 notice thereof to the owners, as soon as may be, if
 the owner or owners be known, on pain of forfeiting
 for each creature so neglected to be notified, three
 shillings for every twentyfour hours, one half to the
 use of the poundkeeper, and the other half to the
 for the use of the person or persons prosecuting to ef-
 fect before any court proper to try the same.

*Penalty on
 persons im-
 pound-
 ing not notify-
 ing owners*

That whenever any creature shall be taken dam-
 age feasant, and impounded, the owner whereof is
 unknown, the impounder shall forthwith inform one
 of the constables of the town thereof, who shall
 advertise such creatures, with their natural and artifi-
 cial marks, in the town where they are impounded,
 and in two adjacent towns from whence such creat-
 ures most probably came; and if no owner shall ap-
 pear in thirty days after such creatures are so adver-
 tised as aforesaid, then so many of the said creatures
 shall by the said constable, be sold at public ven-
 due, as may be sufficient to satisfy the damages and
 impounding with the charges arising for keeping,
 advertising, and selling the same, together with
 charge of fence viewing, where the same shall be ne-
 cessary.

*Proceed-
 ings when
 the own-
 er is un-
 known.*

And the said constable shall procure the natural
 and artificial marks of the creatures so sold, to be en-
 tered in the town clerk's office, together with an ac-
 count of the charges arisen, the price of the creat-
 ures, the sum of the overplus remaining (if any
 there is after the town clerk is satisfied for the entry);
 and such overplus shall be delivered to the town treas-
 urer, to be kept for the use of the owner: but if the
 owner shall not appear within one year, and make
 demand of the overplus, the same shall belong to the
 said town treasury.

Provido.

Provided nevertheless, That the fence about the in-
 closure out of which cattle or horses are impounded,
 shall be found lawful by two fence viewers, before a-
 ny sale shall be made as aforesaid. And if the ow-
 ner or owners of such cattle, or horses shall come
 within

within said twenty days, he shall have such horse kind or cattle, paying for viewing said fence, and other damage and cost which shall be due by this act

*Penalty for
not redeem-
ing crea-
tures.*

*Appropri-
ation of for-
feitures.*

*Poundage
for horses
when suf-
fered to
run at
large.*

*Impound-
ing fees.*

And be it further enacted by the authority aforesaid, That if any person or persons, whose creature or creatures shall be impounded and he or they notified thereof as aforesaid, shall not within twentyfour hours after such notice to him or them given, either replevy or redeem his or their creature or. creatures out of the pound, every such person or persons shall forfeit one shilling per head for each beast so by him or them suffered to remain in pound, and so the same sum a day for every day after the first day he or they shall suffer said creatures to continue in pound, besides paying all necessary charge the pound keeper shall be at in providing and giving meat and water to such creatures so continued in pound. All of which forfeitures becoming due by virtue of this act, shall belong one half to the pound keeper, and the other half to the town treasury; (just damages and poundage being first paid before the creatures are released out of pound) to be prosecuted before any court proper to try the same.

And all horse kind which, being suffered to go at large on the commons, do break into any common field or particular inclosure, and are there found damage feasant, and thence impounded, the owner thereof, if known, shall pay poundage four pence per head and damages, notwithstanding the insufficiency of the fence; and in case the owner of such horse or horse kind cannot be known within the space of twentyfour hours of the impounding of the same, they shall be accounted strays, and be liable to be proceeded with as such.

That on replevin of any such horse or horse kind, or other dispute in law arising on any such matter, where the impounder has under oath declared the place from whence he took said horse or horse kind, unless the owner thereof can show, to the satisfaction of the court of justice before whom the trial is, that the said horse or horse kind were not suffered to go at large on the commons, and did enter into said field or enclosure through the insufficiency of some other part of the fence, not adjoining to the commons, judgment shall be rendered against such own-
or

er, to pay just damages and cost. And the fee that shall be paid by the owner or owners of all such horses, cattle, sheep, and swine, as shall be taken damage feasant and impounded, (whereof three quarters shall be to the driver, and one quarter to the keeper of the key) shall be as follows, viz. for all horse kind not suffered to run at large on the common, eight pence per head; for neat cattle, eight pence per head; for sheep, one penny per head; and for swine, six pence per head.

And if any creatures, lawfully impounded, shall escape, or get out of pound, the owner or owners thereof being known, shall notwithstanding pay all just damages and poundage, to be recovered by action. *Creatures escaping or breaking pound.*

Provided, The person or persons, impounding such creatures, shall give oath, that he or they took such creatures damage feasant. *Proviso.*

And be it further enacted by the authority aforesaid, That if any person or persons shall rescue any horses, cattle, sheep, or swine, taken up as aforesaid, out of the hands or custody of any person or persons going to pound with them, or shall resist them therein, or shall by any means convey such creatures out of the pound, or custody of the law, or shall be aiding or assisting or procuring therein, whereby the party wronged may be liable to lose his poundage and damages, and the law to be eluded; the party so offending shall forfeit and pay the sum of twenty shillings; and for such pound breach, the sum of forty shillings; one half to the use of the town treasury of the town where the offence shall be committed, and the other half to him or them who shall prosecute the same to effect, and the offender shall pay all damages to the party wronged by such rescue, or pound breach. *Penalties rescues and pound-breach.*

And if the offender or offenders as aforesaid, shall not be of sufficient ability to answer and pay the damage and forfeiture aforesaid, he shall be assigned in service to the party wronged, to make satisfaction for the damage and cost. And if said rescue or pound breach be committed by the servants or children of the owner or owners of such creatures, the owner or owners shall pay all damages and forfeitures as tho' he or they had done the same in person. *In case of inability, to be assigned in service.*

Provided, That all complaints for the breach of this act shall be prosecuted within nine months after the offence is committed, and not after. *Proviso.*

Passed Feb. 27, 1787. An act for dividing the state into probate districts.

Number of districts. **B**E it enacted by the general assembly of the state of Vermont, That this state be divided into ten districts, and in each district there shall be held a court for the probate of wills, &c. consisting of one judge, who shall have power to appoint his clerk.— Said districts to be bounded in manner following, viz.

Bennington and Manchester. That the county of Bennington be divided into two districts, by a line beginning at the southwest corner of the town of Arlington, and running thence easterly on the south line of Arlington and Sunderland, and continuing that course to the county line. That the district south of said line be known by the name of *The district of Bennington*; and that the district north of such line, and within the county of Bennington, be known by the name of *The district of Manchester*.

Rutland. And be it further enacted by the authority aforesaid, That the county of Rutland be one entire probate district, and be known by the name of *The district of Rutland*.

Addison. And be it further enacted by the authority aforesaid, That the county of Addison be one entire probate district, and be known by the name of *The district of Addison*.

Marlboro' and Westminster. Be it further enacted by the authority aforesaid, That the county of Windham be divided into two districts, by a line beginning at the northeast corner of Dummerston, thence running westerly on the north lines of Fulham, Newfane, Wardsborough, and Stratton, to the county line. And that the district south of said line be known by the name of *The district of Marlborough*; and the district north of said line, and within the county of Windham, be known by the name of *The district of Westminster*.

Windsor & Hartford. And be it further enacted by the authority aforesaid, That the county of Windsor be divided into two probate districts, by a line beginning at the northeast corner of the town of Windsor, and from thence to run westerly on the north lines of the towns of Windsor, Reading, and Saltsb, to the county line. And that the district south of said line, and within the county of Windsor, be known by the name of *The district of Windsor*; and that the district north of said line, and within the county of Windsor, be known by the name of *The district of Hartford*.

And be it further enacted by the authority aforesaid,
That the county of Orange be divided into two probate districts, by a line to begin at the northeast corner of Fairlee, thence to run Westerly on the north lines of Fairlee, Vershire, and Turnersburgh, to the county line. The district south of said line, and within the county of Orange, to be known by the name of *The district of Thetford*; and the district north of said line, and within the county of Orange, to be known by the name of *The district of Newbury*.

*Thetford's
Newbury.*

An act regulating proprietors meetings.

BE it enacted by the general assembly of the state of Vermont, That where lands lie in common in any township in this state, and a number of the proprietors of such lands, to the amount of at least one sixteenth part, shall make application to any justice of peace within this state, for calling a meeting of such proprietors, such justice is hereby required to issue his warrant for calling such meeting, setting forth the time, place, and the several matters and things to be transacted, and the reasons for calling such meeting; which warrant shall be inserted in all the newspapers printed in this state, three weeks successively, the last time of which shall be at least twenty days before the convening such meeting.

*Passed
March 9.
1787.*

*Justices to
warn meet-
ings, on ap-
plication,
&c.*

And such proprietors, when met, may proceed by ballot to choose a moderator, clerk, and treasurer, and may further proceed to transact any business which may concern the propriety, as the promoting of settlement, laying out and making divisions of lands, laying out roads, and any other business whatsoever which concerns the propriety, notified as aforesaid; and every proprietor shall be allowed to vote in proportion to his interest in such propriety.

*Proprietors
may trans-
act business
so notified.*

*To vote ac-
cording to
interest.*

And be it further enacted by the authority aforesaid,
That from and after the expiration of six months from the publication of this act, no person whatever in this state, shall be capable of exercising the office of proprietors clerk in any incorporated town, district or gore of land, unless he be an inhabitant of such town, district, or gore, as aforesaid.

*Proprietors
clerk of in-
corporated
towns to re-
side in town*

And the mode for the division of lands shall be as follows, viz. When the proprietors are met according to the warning, and have agreed on the number of acres to be allotted or divided to each proprietor, they

*Mode of di-
vision.*

they shall choofe a committee to make a survey thereof ; which committee shall confift of one or more persons, (who shall be under oath to the faithful difcharge of his or their duty) and shall lay out and number one lot (or as many as the proprietors vote) to each right ; and when fuch survey shall be made, they shall return a plan thereof to the proprietors, when met, describing the corners of each lot ; and the clerk shall cut as many fmall fquare pieces of paper as there are proprietors, (including the public rights) and shall number them, and put them into a box, and fhake them, and fome difinterested perfon fhall draw them out as the clerk fhall call the proprietors names, beginning at the firft name in the charter, and fo on until all be drawn ; and the clerk fhall affix each number to the proprietor's name who drew it.

Proviso. *Provided always,* That nothing herein contained fhall prevent the proprietors from voting to any settler the lot he lives on, in lieu of his draft, if the fame be legally notified in the warning for calling fuch meeting.

Proviso. *Provided alfo,* That nothing herein contained fhall be conftrued to prevent the proprietors, in any legal meeting, where the fame fhall be notified in the warning, granting to any proprietor liberty to pitch, and lay out for himfelf, on his own right, fuch quantities of undivided lands as faid proprietors fhall think proper, adjoining to, and including, proper places for erecting griftmills and fawmills, on condition of building fuch mill or mills, within fuch limited time as may be agreed on ; provided that fuch pitches fhall be allowed only for encouragement to build the firft griftmill or fawmill in any town, and fhall not exceed the quantity of two hundred acres for each of fuch mills.

Votes valid in law. And the votes and proceedings of fuch meetings, as above, fhall be good and valid in law.

Proprietors may adjourn. And fuch proprietors may adjourn from time to time, as to them may be thought expedient. And fuch clerk, being duly fworn, fhall make fair and true entries of all the votes and proceedings of fuch meetings ; from which records fuch clerk fhall give

Clerk's duty. fair and attested copies of any matter or thing therein contained, when requested thereto by any perfon, on fuch proprietor's tendering the fum of four pence for each

each hundred words contained therein. The charters of each town which may or can be procured shall be recorded in the first pages of the proprietors book of records.

And be it further enacted by the authority aforesaid,
That if any proprietors clerk shall neglect or refuse to do his duty herein, he shall, on conviction thereof before any justice of the peace, pay a fine of five pounds for every such offence, and all damages which may arise by such neglect or refusal; and one half of such fine shall be paid to the complainant who shall prosecute to effect, and the remainder to the proprietors treasurer for the use of the propriety; and all legal costs shall be paid by such delinquent. *Penalty on clerks for neglect of duty.*

That in any proprietors meetings legally warned and convened for the purpose, it shall be lawful for such proprietors to make a rate of all such costs as shall have accrued in running town lines, making a division of lands, or any other matter for the benefit of the propriety, after such services shall have been performed, and account therefor allowed by the proprietors, and recorded in their book of records, and to appoint some inhabitant of this state a collector to gather the same from the owners of lands in such propriety, which collector is hereby directed to publish such rate or tax, with the reason why the same was made, for three weeks successively, in all the newspapers printed in this state. *Proprietors empowered to tax themselves. Appoint a collector. Collector's duty.*

And in case any part of such rate shall be unpaid, thirty days after the last time of such publication, it shall be the duty of such collector to publish in the papers, and for the time beforementioned, the names of the grantees upon whose rights default of payment has been made, and the sums due thereon; and therein to give notice, that a necessary proportion of such lands will be sold at public vendue, at a certain place and time to be therein mentioned, not less than twenty nor exceeding fifty days from such last publication, unless such tax and the costs shall be sooner paid; and provided there shall then remain any part of such tax unpaid, such collector shall proceed to sell at public vendue, so much of such delinquent's land as to pay such tax, together with cost, including not only the cost of such vendue, but that of the last advertisements; and such collector shall within one year after such sale, unless such land be redeemed, make and

and execute a deed or deeds, to the purchaser or purchasers, with a covenant of warranty; which deed or deeds shall be good and valid in law.

Proviso.

Provided always, That no sale made by virtue hereof, except it be made between sunrise and sunset, shall be valid.

Proviso.

And provided, That if the proprietors of such land shall appear and tender to such collector the full sum of money for which such land was sold, with the cost arising thereon, and twelve per cent. interest, within one year after such sale, then such collector shall receive the money, and not execute such deed to the purchaser, but deliver to him his money and interest as aforesaid.

And the proprietors passing any vote under which land shall be sold, (a record of whose names the clerk is hereby directed to make) are hereby made accountable to their collector for any damages he may sustain, by making such sales, when the same shall happen by means of the illegality of the proceedings of said proprietors: and that said proprietors, by virtue hereof, shall have no right to intermeddle with, or sell any lands divided into severalty, in any case whatever, excepting the division for which the tax shall be made.

And such collector shall make return of his doings to the proprietors clerk, within twelve months after any such vendue, and remit the money which he may have collected, from time to time, to the treasurer, as often as he may be directed by such propriety; and on neglect of any part of his duty, shall be liable to the same penalties as is in this act before directed for any deficiency in the clerk's duty.

*Saving for
persons in
captivity,
&c.*

Be it further enacted by the authority aforesaid, That such persons as shall be beyond sea, or in captivity, when their lands shall be vendued as aforesaid, shall have right of redemption to such lands, during one full year after the impediments are removed, by payment, or tender of the same sum of money for which such lands were sold, with the interest of such money at six per cent. per annum, to the purchaser of such land, his heirs or assigns: and in case any improvement shall have been made on such lands in the mean time, then those persons before described may make payment or tender of such sums of money as shall be judged by indifferent persons, to be equal
to

to the value of such improvements ; and such person or persons shall be reinstated in the fee of their land : any thing in this act to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That from and after the publication hereof, all proprietors meetings respecting any lands in this state, shall be held in the state ; and all sales of lands by virtue of this act, shall be made at some public place in the county where such land lies ; and if any proprietors meeting, or vendue, respecting any lands in this state, shall be held out of the same, or in any other manner than what is warranted by this act, the same shall be null and void.

Provided, That nothing in this act shall be construed to affect or alter the vote or votes of any proprietors before the passing this act, or to prevent the pitching of their division as heretofore begun, unless it was contrary to the laws then in force.

An act relative to the people commonly called Quakers. *Passed Feb. 27, 1787,*

WHEREAS the people commonly called Quakers, refuse taking oaths administered in the usual form, alledging therefor scruples of conscience. *Preamble.*

BE it enacted by the general assembly of the state of Vermont, That in every case where any Quaker shall be by law required to take an oath, the same shall and may be administered to him, in the usual form in such case by law prescribed, excepting that instead of the words *you solemnly swear*, these words, viz. *You solemnly, sincerely and truly, affirm and declare, in the presence of Almighty God*, shall be used ; omitting the usual words in the close, *so help you God*, and instead thereof, adding, *under the pains and penalties of perjury* : and every such affirmation or declaration, when made as aforesaid by any Quaker, shall be adjudged to have the same force and effect in law, to all intents and purposes as an oath : and in case he shall wilfully, falsely and corruptly, affirm and declare any matter or thing, subject him to the same penalties and forfeitures as if he had taken the oath in the usual form.

Quakers may take affirmation instead of oath.

Penalty for affirming falsely.

An act for collecting and paying of rates.

BE it enacted by the general assembly of the state of Vermont, That every inhabitant of this state, except *Passed March 8, 1787.*

All inhabitants to pay rates. except such as are or shall be by law exempted, shall contribute to public charges, and shall be compelled thereto (if need be) by distress, to be levied and collected in such manner as is or shall by law be provided.

All rates to be made up on the list of polls, &c. And all rates and taxes which shall be granted by the general assembly, and all other rates and taxes of counties, towns, societies, or other communities, which are, or by law shall be, enabled to grant taxes, shall be made by the same rule; that is to say, in proportion to the general list of polls and rateable estate, from time to time given in and made according to law, except where another rule of granting and levying rates, taxes or assessments, is or shall be by law provided, in any particular case or cases.

The treasurer to issue his warrants to the constables, who are to give notice of the tax. That whenever the general assembly shall grant any rate or tax to be levied upon the inhabitants of this state, the treasurer of the state, for the time being, is hereby required (without any further notice or order to him given) to send forth his warrant, by the authority of this state, directed to the first constable chosen in the respective towns in this state, commanding them to levy and collect such public rates or taxes, so granted, and pay them to the treasurer by the time allotted for that purpose by the assembly granting the same; and immediately after receiving from the selectmen of their respective towns, an assessment of the tax by the said constables to be collected upon the polls and rateable estates of the several persons liable to pay said tax, (which said selectmen are hereby authorized and required to make, and deliver to the constable without delay) such constable shall immediately give notice to each inhabitant of his respective town, of the amount of his or her rates and taxes, and of the time and place the said constable will tend to receive them: which

Constables may distrain goods, &c.

warning every person is to observe, and attend, for the payment of such rates: and upon neglect thereof, the said constables are hereby empowered and required, to distrain the goods and chattels of such persons neglecting, for their rates not paid, with one penny on the shilling for their trouble, and their lawful fees for travel, and all other reasonable and necessary charges: and if no goods or chattels can be found, or shall be tendered, the officer shall attach the body of such person, and him or her convey to

to the county prison, there to remain until such rates or taxes, and lawful costs, be paid: and in case of the person's absence, and for want of goods and chattels, the officer shall levy on, and (after three weeks notice given in one or more of the newspapers printed in this state, and in the town where the land lies, and in two adjacent towns) may sell *Or sell land.* so much of such person's land, at public vendue, as will be sufficient to pay said rates, and all costs and charges; and the said warrant being recorded in the town clerk's office where such land so sold shall lie, shall be good evidence of a title to the purchaser, his heirs and assigns.

Provided always, That the owner or owners of land so sold for payment of taxes, shall have right to redeem the same at any time within one year after any such sale shall be made, by tendering to the purchaser, his heirs, executors, or administrators, the full sum paid by such purchaser for the same, with the interest thereof at the rate of twelve per cent. per annum. And the receipt of such purchaser, his heirs, executors, or administrators, or the proof of the tendering such sum as above, and interest as aforesaid, made by two witnesses, before any justice of the peace, (the party claiming the land under such sale having been notified to attend) being entered on the record of the town where such land lies, shall be full evidence of the title to said land being re-vested in the person who owned such land, previous to such sale: any thing herein before contained to the contrary notwithstanding.

Time of redemption.

And be it further enacted by the authority aforesaid, That when it shall so happen that any unorganized town shall be doomed by the general assembly to pay any tax, the warrant for the collection thereof, shall, by the treasurer, be directed to the sheriff of the same county, his deputy, or some meet person by the said treasurer, to be for that purpose authorized, whose duty it shall be to call on the selectmen of one of the nearest organized towns to make an assessment of said tax upon the inhabitants of such unorganized town; and the person authorized by the treasurer to collect such tax, shall be, and hereby is required and empowered, to proceed in like manner for the collection thereof as first constables in their respective towns are by this act directed to proceed; and if

Mode of collecting the tax from unorganized towns.

the selectmen when so called on and required by the person authorized by the treasurer, shall neglect by the space of four weeks to make such assessment, the said selectmen, and each of them, their, and each their heirs, executors and administrators, shall be liable to pay said tax to the person authorized to collect the same, and may be distrained upon therefor, as is herein after provided in case of the constable of their own town proving insolvent: and the person authorized to collect such tax, shall pay said selectmen out of the tax, each, the sum of six shillings, for their trouble and expense; and the remainder thereof (after deducting his legal fees) to the treasurer of this state.

Constables to sell goods after four days.
And be it further enacted by the authority aforesaid,
 That when any constable in this state, shall take goods or chattels by distress, for payment of rates, he shall keep such goods the space of four days, at the cost and charge of the owner; and if the said owner do not pay the sum of money so assessed upon him, and costs, within the said four days. then the said distress shall be openly sold, at an outcry, by the said constable, for payment of the said money, and costs (notice of such sale being posted up in some public place in the same town six days beforehand;) and the overplus coming by the said sale, if any be, after deducting the charges of taking, keeping, and selling the said distress, shall be immediately restored to the owner.

Treasurer to issue his warrants against delinquent constables.
And be it further enacted by the authority aforesaid,
 That if any such constable shall neglect to collect, and pay in such tax to the treasurer, by the time limited in his warrant, then the treasurer aforesaid shall, in like manner, issue his warrant to the sheriff of the county, where such delinquent constable shall live, requiring him to levy such rate or tax, or the sum remaining due thereof, of the goods, chattels, and estate, of the constable so neglected. And every sheriff, to whom such warrant shall be directed, is hereby required forthwith to serve the same, in any county in this state, upon the goods or estate of such constable, in like manner as the constables are herein directed to serve their warrants, (giving fourteen days notice of the sale of such constable's estate) and to pay such tax, so distrained from such constable, to the treasurer, returning the overplus, if any be, to the

the constable, after deducting the like costs as in case of executions.

And whenever any sheriff shall neglect his duty herein, it shall be lawful for the treasurer, in like manner, to issue his warrant, directed to the constable of the town where such sheriff shall live, or of the next adjoining town, for levying the sum due, and costs: and the constable, to whom such warrant against delinquent sheriffs shall be directed, shall have the like power as is herein before given to sheriffs in serving warrants upon constables, and shall be under the like regulations. And if any constable, to whom such warrant against a sheriff shall be directed, shall omit to discharge his duty, it shall be lawful for the treasurer to issue his warrant against such constable, for collecting the arrears of such tax, to any person in his discretion; who shall also have the like powers, and be under the same regulations, with the sheriffs, in executing the duty enjoined by this act.

To issue warrants against sheriffs.

And be it further enacted by the authority aforesaid, That all constables, duly authorized to collect the public tax, and every of them, shall have the same power and authority, in any of the towns and districts in this state, as said officers have in their own precincts, to gather and collect the respective rates, from any person or persons whose polls or estates are in their lists; and shall be allowed four pence per mile for their travel: and also shall and may collect and gather such rates and taxes, or what shall be due thereof, at any time after the expiration of their respective years, as well as before.

Constables power extended, &c.

And if it shall so happen, that any such constable, after the expiration of his year, and before he hath collected the whole of the rate he is appointed to collect, shall die, then the executors or administrators of such deceased constable, shall have the same power and authority to collect any and every part of the rate, not paid to the said constable in his lifetime, as the said constable had when alive; and shall be collector in room of the deceased, for gathering the remainder of such rate; and all executors and administrators of constables or collectors shall be responsible for the rates, as the constables and collectors by law are.

Executors, &c. of deceased constables, to have their power, &c.

But if any such constable or collector shall die, or remove out of the town whereof he is constable or collector,

Constables dying, town to choose. collector, before the expiration of his year, and the rate be not fully collected that then every town wherein such case shall happen, is hereby directed to proceed forthwith to the choice of a new constable or collector, for the gathering the remaining part of such rate.

Constables proving insolvent. And when, and so often as, it shall happen, that any constable, chosen by any town to collect the state taxes, shall prove insolvent, and not be able to pay the state tax, or any part or parcel thereof, in his hands, the treasurer of the state is required and empowered to issue his warrant, directed to the sheriff of the same county, requiring him to levy and collect of the selectmen, or any one of them, of that town in which such insolvent constable is chosen as aforesaid, such rate, or part thereof, as shall then be in the hands of such insolvent constable; which sheriff shall pay what he shall so levy of such selectman or selectmen, to the treasurer as aforesaid.

Towns to be assessed in case of constables insolvency. And the selectmen of such town are hereby empowered to assess a tax or rate upon the inhabitants of the said town, according to the list of the polls & rateable estate therein, that shall be sufficient for the payment of such sum or sums of money, as shall be levied by the sheriff of such selectmen as aforesaid, with the charges arising thereon; and any justice of the peace is hereby authorized and required to grant a warrant to some meet person, to collect the same, who shall for that purpose be invested with all such power as is herein given to the constables for collecting state taxes: and the said selectmen shall account with the selectmen next to be chosen in any such town, or with any other person or persons that may be appointed by the said town for that end, respecting the said tax, by them assessed as aforesaid.

Towns, &c. granting a tax to choose a collector. Be it further enacted by the authority aforesaid, That whensoever any town, society, or other community, which by law is, or shall be, enabled and authorized to grant and levy any rate or tax, for the answering and defraying their necessary charges and expense, shall in any of their lawful meetings agree upon and grant a rate or tax, to be levied on, and collected of, themselves, for any of the purposes for which by law they are or shall be empowered to grant such rate or tax, they shall choose some meet person or persons to be collector or collectors of such rate

rate or tax, and take proper care that such rate be accordingly made for the just assessment of the several persons taxed, and deliver the same to such collector or collectors.

And, upon application made to some justice of the peace, such justice is hereby authorized and directed to grant a warrant for the collecting such rate or tax; which warrant shall be directed to the collector or collectors appointed to gather the same, requiring and empowering him or them to collect such rate or tax, according to the grant made thereof as aforesaid. *Justice to issue his warrant therefor.*

And all collectors, authorized and empowered to gather and collect any rates or taxes whatsoever, duly laid and assessed on any of the inhabitants of this state, or others, shall have equal power and authority in gathering the rates respectively committed to them, as is or shall by law be given to the several constables in the collection of state taxes, according to such lawful warrants as shall be given them, and shall have the same power and authority to command the assistance of any person or persons, in the execution of their office, (when need shall require) as is by law given to sheriffs and constables in the execution of their offices; and all persons are hereby required to yield due obedience to them, and immediately to afford their assistance, on the same penalties as are provided by law, for enforcing obedience to the commands of sheriffs and constables. *Collector's power.*

Provided, Such collectors shew and read their warrant or authority to the persons whose assistance shall be commanded. *Provido.*

And all collectors of rates shall gather and pay the rates, to them committed to be collected, by such time, and to such persons, as they shall be directed in their respective warrants: and in case any collector or collectors shall not perform the trust committed unto him or them, according to law, he or they shall be accountable for such rate, or such arrears thereof, so by him or them neglected to be gathered and paid as aforesaid, to the selectmen of the town, or a committee of the society or other community granting said tax, who are hereby empowered to demand such arrearages from such collectors, and, on failure of payment, to take out a warrant from any justice of the peace, directed to any of the constables, to distrain the sums or rates neglected to be collected and paid. *Remedy against delinquent collectors.*

paid by such collectors, out of the estate of the said collector so neglecting.

Passed
March 10,
1787.

Code of
laws re-
pealed.

Exceptions.

An act to repeal the several statutes therein mentioned or described

BE it enacted by the general assembly of the state of Vermont, That the several statutes herein after mentioned, passed by the legislature of this state, be, and hereby are, after the rising of the next session of the legislature in October next, declared to be repealed, and made null, (except an act authenticating deeds, which is repealed at the rising of this session of the assembly) viz. All the acts passed in February, June, and October sessions, 1779: all the acts passed in March 1780: all the acts passed in October and November session 1780, except an act, entitled, *An act to make the trustees of Clis Hall a body politic and corporate in law*: all the acts passed in February, April, June, and October sessions, 1781: all the acts passed in February session 1782; except an act, entitled, *An act directing the heirship of the estate of colonel William Symes, late of Hertford, deceased, intestate*; and an act, entitled, *An act pointing out the office and duty of the secretary of state*: all the acts passed in June and October sessions, 1782: all the acts passed in February session 1783; except an act, entitled, *An act to confirm the substance of the last will and testament of Rufus Rude, late of Royalton, deceased, as the last will of the said deceased*:— all the acts passed in October 1783: all the acts passed in October 1784, and in June 1785; except an act entitled, *An act for establishing a county grammar school, at Norwich, in Windsor county*: All the acts passed in October 1785; except *An act establishing a certain agreement made between the proprietors of the towns of Addison and Panton, in the county of Addison*; *An act for ascertaining the expense of making surveys in certain cases therein mentioned*; *An act to render more effectual several acts passed by the general assembly of this state, to enable the towns or persons, in said acts respectively named, to levy and collect certain specified taxes on each acre of land, mentioned and described in said acts*; *An act to vacate the record of a deed on the book of records in the town clerk's office in the town of Windsor*; *An act against taking or destroying whitepine or any other valuable timber*; and *An act for settling disputes respecting*

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respecting landed property: and all the acts passed in October 1786; except *An act to prevent the sale and transportation of negroes and mulattoes out of this state; An act to suspend the collection of a tax in Hartland, and directing the mode of paying the same; An act to enable the land owners in the town of Fairlee, in Orange county, to meet and transact the business therein mentioned; An act to enable the judge of probate for the district of Westminster to take the probate of the last will of Samuel Wells, esq. deceased, or to grant letters of administration with the will annexed; An act empowering the proprietors of the township of the Twoheroes, to pitch the undivided land in said town; and An act for the purpose of making a distribution of the estate of William Fisch, late of Pawlet, deceased.*

Provided always, That nothing herein contained shall extend to any acts directing the recording of any deed or deeds; nor to any acts directing persons to sell land, or execute deeds thereof; nor to any private acts for the confirmation of landed property; nor to any acts empowering the sale of deceased persons estates; nor to any acts for the collection of taxes, which have not had their full operation, or for exempting public lands from taxation; nor to any acts incorporating ecclesiastical, or other societies, towns or parishes; nor to act for altering the names of towns; nor to any acts of pardon; nor to any act for the regulation and establishment of town lines, or for the cutting roads in the northern part of this state; nor to any act relating to the duty of the auditor of accounts; nor to acts made for granting land; nor to any acts for giving further time of redemption to lands which have been sold; nor to any act of naturalization; nor to any acts respecting the coining of coppers in this state; nor to affect any actions which have been commenced, and depend on any statute repealed by this act; nor to any acts granting a new trial; nor to any private act of what name or nature soever.

An act to place the subjects of the United States upon the same footing in suits at law, in which the subjects of this commonwealth are put by their respective laws.

*Passed
March 9,
1787.*

BE it enacted by the general assembly of the state of Vermont, That all articles, of what nature or kind

Articles made a tender by other states, to be a tender to their subjects on execution.

kind soever, which now are, or hereafter shall, by the laws of any or either of the United States of North-america, be made a lawful tender upon an execution, shall, during the existence of such laws, be a lawful tender to the inhabitants of such respective states, within this commonwealth, upon any execution issued for discharging a contract made since the first day of July, 1782; and shall be appraised to the creditor in the manner directed by an act passed by the legislator in this present session, entitled, *An act to make certain articles of personal property a tender on execution, in cases therein mentioned.*

Who are precluded suing in Vermont.

Be it further enacted by the authority aforesaid, That whenever any or either of the said United States, or either county therein, shall by reason of their civil commotions, tumults, riots, disorders, or for any other cause, be in such a situation that the inhabitants of this commonwealth cannot by law recover debts in such state or county; the inhabitants of such state or county shall be precluded from commencing any civil action in this commonwealth, against any subject thereof, or from recovering any judgment against either of the subjects of this state, until the free exercise of law for the recovery of debts be restored to the subjects of this state, within such of the United States or county therein.

While the courts of other states refuse in evidence the judicial proceedings of Vermont the courts of this state not to admit their copies as evidence.

And be it further enacted by the authority aforesaid, That so long as any of the civil authority, or judicial courts, of either of the said United States, shall refuse to admit in evidence any official copies made in due form of law, as accustomed in this commonwealth, by any clerk of court, magistrate, or other officer thereof, having lawful right to make and attest such copies, every court and justice within this state shall be, and hereby are prohibited receiving and admitting in evidence any official proceedings, offered as such, coming from any court, or civil or other authority of such state or states, and no longer.

Passed March 8, 1787. Preamble.

An act for the prevention and punishment of riots, disorders, and contempt of authority.
FOR the better suppressing of riots, disorders, and contempts of authority.

BE it enacted by the general assembly of the State of Vermont, That if any person or persons shall impede or hinder any officer, judicial or executive, civil

civil or military, under the authority of this state, in the execution of his office, he or they shall, on conviction thereof, pay a fine, not exceeding fifty pounds each, and if any person who shall be thereof convicted, shall not be of sufficient ability to pay such fine and costs of prosecution, it shall be in the power of the court, before whom such conviction shall be had, to assign such person in service, to any citizen of this state, for so long time as shall be sufficient for payment of the fine and costs aforesaid.

*Penalty for
impeding
an officer.*

And if any person shall be a second time convicted of the like offence, he shall pay a fine not exceeding fifty pounds, and shall be imprisoned in any goal in this state for one whole year; and if he be not of sufficient ability to pay such fine and costs, he shall be liable, at the expiration of his said imprisonment, to be assigned in service as aforesaid.

*For a se-
cond offence*

And be it further enacted by the authority aforesaid, That if any person or persons shall, directly or indirectly, break open, or aid or assist in breaking open, any goal or place of confinement, wherein any prisoner shall be confined by the authority of this state, he or they shall, on conviction thereof, pay a fine of fifty pounds, to the treasury of the county where such offence shall be committed, and shall be imprisoned six months; and for a second offence of a like nature, shall pay a fine of fifty pounds, and be imprisoned one year.

*Penalty for
breaking
goal.*

And be it further enacted by the authority aforesaid, That when three persons, or more, shall come or assemble themselves together, to the intent to do any unlawful act, with force and violence, against the person of another, or against his possession or goods, wrongfully, or to do any unlawful act against the peace, or to the manifest terror of the people, and being required or commanded, by any of the civil authority, by proclamation to be made in the form herein after directed, shall not disperse themselves, and peaceably depart to their habitations or lawful business, or being so assembled as aforesaid, shall do any unlawful act against the person, possessions or goods of any man, or against the peace, and be thereof convicted before any court proper to try the same, they shall be punished by fine not exceeding thirty pounds, or imprisonment not exceeding six months, and pay cost of prosecution.

*Punishment
of rioters,*

U

That

*Form of
proclamation.*

That the order and form of the proclamation above-mentioned shall be as follows, that is to say, the person authorized by this act, shall, among or as near as he or they can safely come to said rioters, with a loud voice, command or order silence to be made whilst proclamation is making; and after that shall openly with a loud voice, make proclamation in these words, or like in effect, viz. *In the name of the state of Vermont, I command all persons being assembled, immediately to disperse themselves, and depart to their habitations, or to their lawful business, upon the pains contained in the law of this state, entitled, An act for the prevention and punishment of riots, disorders and contempt of authority.*

*Who to
make proclamation.*

And every justice of the peace, sheriff, deputy sheriff, or constable, within their respective jurisdictions, are hereby authorized, empowered and required, on notice or knowledge of any such unlawful and riotous assembly, to resort to the place where such assembly shall be, and there make proclamation as aforesaid.

*Rioters continuing to-
gether after procla-
mation
made to be
apprehended.*

Be it further enacted by the authority aforesaid, That if such persons so unlawfully assembled, or any three or more of them, after proclamation made as aforesaid, shall continue together, and not disperse themselves, that it shall and may be lawful to and for every justice of the peace, sheriff, deputy sheriff, or constable, where such riotous assembly shall be, and to or for any other person or persons who shall be commanded to be assisting to such justice of the peace, sheriff, deputy sheriff, or constable, (who are hereby authorized and empowered to command all or any of the inhabitants of this state, to be assisting them therein) to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully and riotously continuing together, after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before some justice of the peace, in order to their being proceeded against according to law.

*Indemnity
of assistants
&c.*

And if any of the persons so unlawfully and riotously assembled and continuing together as aforesaid, to the number of twelve, for the space of one hour after proclamation made as aforesaid, shall happen to be killed, maimed, or hurt, in dispersing or apprehending, or in endeavoring to disperse or apprehend them, by reason of their resisting the person so dispersing, or endeavoring

deavoring to disperse or apprehend them, then every such justice of the peace, sheriff, deputy sheriff, or constable, and all and singular the persons being aiding or assisting to them or any of them, shall be freed, discharged and indemnified from any bill, complaint, indictment, or action, that may be commenced against him or them on that account.

Be it further enacted by the authority aforesaid, That if any person or persons do or shall, forcibly, wilfully, and knowingly, oppose, obstruct, or in any manner wilfully and knowingly oppose, let, hinder, or hurt, any person or persons that shall begin or attempt to make the proclamation hereby directed to be made, whereby such proclamation shall not be made, and be thereof convicted by due course of law, he or they shall forfeit or suffer in the manner and form as last aforesaid.

Penalty for hindering proclamation.

And that all and every such person or persons, so being unlawfully and riotously assembled to the number of three or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the number of three or more, shall continue together, and not immediately disperse themselves, after such let or hindrance so made, having knowledge thereof, and be thereof convicted in due course of law, shall forfeit and pay a fine not exceeding thirty pounds, or be imprisoned six months, and pay costs as aforesaid.

Penalty for not dispersing when, &c.

Provided always, That no person or persons shall be punished by virtue of this act, unless prosecution be commenced within six months after the offence is committed.

Proviso.

An act for the due observation of the Sabbath.

BE it enacted by the general assembly of the state of Vermont, That no tradesman, artificer, laborer, or other person whatever, shall upon land or water, do any labour, business or work, of their ordinary calling, of any kind whatever (works of necessity and mercy only excepted) nor use any game, sport, play or recreation, on the first day of the week or Lord's day, or any day of public fasting or thanksgiving, on pain that every person, so offending, shall forfeit and pay a fine, not exceeding ten shillings, as the nature of the offence may require; that what-

Passed March 9, 1787.

Penalty for working, &c on the Sabbath,

ever

For rude behavior. ever person shall on the Lord's day, in or near any meetinghouse, or place of public worship, by rude, profane, or tumultuous behaviour, either in words or actions, or in any manner whatever, disturb those who shall be therein assembled for religious worship, shall incur a penalty not exceeding forty shillings; and if the person convicted of any of the aforesaid offences be unable to pay, he shall be set in the stocks not exceeding two hours.

Penalty for traveling. *And be it further enacted by the authority aforesaid,* That every person who shall travel, journey, or drive a team, or drove of any kind, on said day, (unless in time of war, or some business that concerns the war, or that they are belated and forced to lodge in the woods, wilderness or highway the night before, and in such case to travel no further on that day than the next inn, or place of shelter) shall pay a fine, not exceeding twenty shillings, as the nature of the offence may require.

Penalty for going from home. That every person who shall go from his or her place of abode on said day, unless to or from the public worship of God, or on some work or business of necessity or mercy, shall pay a fine not exceeding sixteen shillings.

For staying outside of the meetinghouse. That whatever person or persons shall keep or stay at the outside of the meetinghouse, during the time of public worship, (there being sufficient room in the house) or unnecessarily withdraw themselves from the public worship to go without doors, or profane the time by playing or profanely talking, shall pay a fine not exceeding six shillings.

Proviso. *Provided,* That all presentments or informations against any person or persons, for any of the above-mentioned offences, be made within one month after the commission thereof.

Grand jurors, &c. to make presentment. *And be it further enacted by the authority aforesaid,* That the grand jurymen, tithingmen and constables, of each town, shall carefully inspect the behaviour of all persons on the Sabbath or Lord's day, and due presentment make, of any profanation of the worship of God, on the Lord's day, or on any day of public fast or thanksgiving, and of any breach of Sabbath, which they, or any of them, shall see or discover any person to be guilty of, to the next justice of the peace, who is hereby empowered to proceed therein

therein according as the nature of the offence requires.

That each grand juryman, tythingman, or constable shall be allowed three shillings per day for each day that he shall spend in prosecuting such offenders, to be paid by the person offending, or the parent, guardian or master of such person, when he is under age; and all fines imposed for the breach of this act on minors, shall be paid by the parents, guardians, or masters, (if any be) otherwise such minors to be disposed of in service to answer the same; and upon refusal or neglect of payment of such fines, and charges of prosecution, the offender may be committed, unless he be a minor, in which case execution for the fines and charges shall go against his parent, guardian, or master, after the expiration of one month next after the conviction of such minor, and not sooner.

Allowances to grand jurors, &c. for prosecuting.

Fines of minors how paid.

Provided, That no persons prosecuted on this act, shall be charged with more than for one person prosecuting him for such offence.

Provido.

But if any children or servants, not of the age of discretion, shall be convicted of such profanation or disturbance, they shall be punished therefor by their parents, guardians, or masters, giving them due correction, in the presence of some officer, if the authority so appoint, and in no other way; and if such parent, guardian, or master, shall refuse or neglect to give such due correction, that every such parent, guardian, or master, shall incur the penalty of five shillings.

Children under the age of discretion to be corrected.

And every justice of the peace, constable, grand juryman, and tythingman, are hereby required to take effectual care, and endeavor that this act, in all the particulars thereof, be duly observed.

Justices, &c. to see this act observed.

And be it further enacted by the authority aforesaid, That no person, between the hours of twelve in the night next preceding, and twelve in the night next succeeding, the Lord's day, shall serve or execute any writ, process, warrant, order, judgment, or decree, (except in cases of treason, felony, or breach of the peace) but the service thereof shall be void, and the person serving the same, shall be as liable to answer damages to the party grieved, as if he had done the same without any writ, process, warrant, order, judgment, or decree.

When writs, &c. may not be served.

Passed An act for appointing and supporting schools.
March 8, FOR the due encouragement of learning, and the better
1787. regulating and ordering of schools,

*Towns may
 divide into
 districts &
 appoint
 trustees of
 schools.*

*Their duty
 and power.*

*Selectmen
 to warn dis-
 trict meet-
 ings.*

BE it enacted by the general assembly of the state of Vermont, That each town in this state which cannot conveniently be accommodated by one school, shall have power, and they are hereby empowered, in any legal town meeting, by such way and means as they shall devise, to divide into so many districts as they shall find convenient, and the same to alter from time to time: and each town shall appoint one or more meet person within each district, to continue until others shall be chosen, who, together with the selectmen of the town, shall be trustees of schools in such town: and such trustees, or the major part of them, and their successors, shall have power, and they are hereby authorized and empowered, to appoint and remove schoolmasters, to lease such lands or real estates, and loan such monies, as do or shall appertain to such schools, or are or shall be given for the use aforesaid; and to commence any suit or suits that may be necessary for the recovery and obtaining of such lands, monies, and other estates, and to take leases, bonds, and other securities, to themselves and their successors, for the use of such schools, and to sue and recover thereon: and the trustees shall annually pay over the money arising from the lease of such lands, and other real estate, and loan of such monies, to a committee of each district respectively, in proportion to the number of scholars in each school; and all such bonds, leases and other securities, shall by said trustees be lodged with the town clerk of the town, who is directed and required to keep an account thereof, and hold the same under the direction of said trustees, for the purpose aforesaid: and such trustees shall render an account of their doings, in respect to such their trust, to the town by whom they were appointed, when thereunto required.

And upon application of three or more inhabitants of such district, to the selectmen of such town, to warn a meeting of the district, the said selectmen are required forthwith to notify to the inhabitants of such district, by affixing an advertisement, in some public place in said district, that they meet to choose a moderator, district clerk, a collector of rates, and
 a com-

a committee of one or more persons to take care of the prudential affairs of the district for which they are chosen, at least twelve days before such meeting. And the committees shall have power, and they are hereby empowered, in their several districts, to raise one half the money that shall be necessary for building and repairing a schoolhouse, and supporting a school, in their respective districts, by a rate on the list of the polls and rateable estate of the inhabitants of such districts; and the several districts are further empowered, at any meeting warned for that purpose, to raise the other half of the money for the purposes aforesaid, either by a tax on the list of the polls and rateable estates of the inhabitants of their respective districts, or by subscription, in proportion to the number of children any person shall send, or subscribe to send, to such district school: and in every of the above cases, the committees shall make the whole into a rate bill, by a just estimation in money, according to the true intent and meaning of such vote or subscription, as aforesaid: and if the same shall not be paid by the time appointed, they shall deliver such bill to their respective collectors, with a warrant to collect the same, signed by some justice of the peace. And such collector shall have the same power in collecting district taxes, as the collectors of town rates, and shall be accountable to their respective committees for the sum due on such bill: and the district committees shall severally have the same powers with respect to lands, or any other interest or estate, given, granted, or in any wise set apart, for the use of schools in their respective districts, as are in this act given to trustees of town schools, and shall be in like manner accountable to their several districts.

May choose officers.

How money to be raised.

Committees to make a rate.

If not paid.

Collectors power.

District committees power.

And the judges of the county courts, in their respective counties, shall have power to appoint trustees of county schools, who shall have the same powers, in all matters relating to their trust, as trustees of town schools, and shall be in like manner accountable to the judges by whom they were respectively appointed.

Trustees of county schools, who to appoint.

And be it further enacted by the authority aforesaid, That all trustees and committees of schools, shall have full power to purchase any lands or other estate, and to sell and alienate such lands and estate, so by them

Power of trustees.

Penalty for embezzling

them purchased, for the use of their several schools, under the direction of the judges, town, or district, by whom they were appointed: and if any trustee, or committeeman, shall embezzle, misapply, or conceal, any money or estate, belonging to any town, county, or district, for the use of schools as aforesaid, he shall be liable to be removed, and to be sued in an action of account, by an agent or agents for that purpose appointed by the town, judges of county courts, or district, by whom such trustee or committeeman was appointed; and if it shall be found on trial, that such trustee or committeeman has embezzled, misapplied, or concealed, any money or other estate, as aforesaid, judgment shall be rendered against him or them, for double the sum so embezzled, misapplied, or concealed: and such action, commenced by order of the judges of the county court, shall be prosecuted and determined before the supreme court, in said county.

Proviso.

Provided always, That this act shall not extend to any estate formerly granted, or to be granted, by any person or town, for the benefit of any particular school or schools, wherein the grantor hath committed the trust thereof to any person or persons, with direction for a continual succession in such trust; any thing contained in this act to the contrary notwithstanding.

Passed Feb. 15, 1782.

An act pointing out the office and duty of the secretary of state.

Public acts to be deposited with secretary.

BE it enacted by the general assembly of the state of Vermont, That all public acts, papers, and records, that belong to this state, excepting the particular records and papers of the council, be deposited and remain in the hands of the secretary of state. And that it be the duty of the secretary to keep a regular office, to attest and register all the proceedings of the general assembly of this state, charters of incorporations, and all and every grant of lands made within this state, and to receive on file and grant copies of all records when thereto requested, taking therefor reasonable fees; and to do and perform every other act proper for a secretary of state.

Secretary to attend the assembly.

Be it further enacted by the authority aforesaid, That the secretary of state give his constant attendance, by himself or deputy, at every session of the general

general assembly; and on default thereof, to forfeit the sum of one hundred pounds, lawful money, to the treasury of this state; to be recovered by the treasurer, by order of the general assembly, by bill, plaint, or information, before any court proper to try the same.

An act regulating the office and duty of sheriffs.

BE it enacted by the general assembly of the state of Vermont, That there shall be a sheriff appointed according to the constitution, and duly qualified to execute the sheriff's office, in each of the counties in this state; who shall become bound to the treasurers of their respective counties, before the first judge of the county court, with two sufficient sureties, freeholders within this state, by a recognizance in the sum of three thousand pounds, for the faithful discharge of said office, and for the answering all such damages as any person or persons shall sustain, by any unfaithfulness or neglect in the same: and before he executes said office, shall before the first judge of the county court as aforesaid, take the oath required by law to be taken by such as execute the said office, and shall receive a commission from the governor, or in his absence the lieutenant governor, certifying him to be elected or appointed as aforesaid, and authorizing him to execute said office. And any person being so commissioned, shall be accounted the lawful sheriff of the county for which he is appointed, and shall have full power and authority to execute all lawful writs within their respective counties, to them directed, coming from lawful authority.

And shall have full power, within their respective counties, to conserve the peace, and to suppress with force and strong hand, when the necessity of the case shall so require, all tumults, riots, routs, and other unlawful assemblies; and to apprehend without warrant, all such as they shall find so as aforesaid, appearing in the disturbance of the peace, and cause them to appear before the next justice of the peace, who may, as the case after enquiring thereinto may require, bind over such offenders to the next county court in that county wherein the offence is committed; which court, upon conviction, shall punish them, and every of them, according to law.

That the sheriffs aforesaid shall have full power to
X command

*Passed
March 9,
1787.*

*Sheriffs to
give sure-
ties, & take
the oath of
office.*

His power.

*Penalty for
not assisting
sheriffs.*

*Constables
power in
their towns*

*Sheriffs
may raise
the posse by
advice.*

*Penalty for
disobedi-
ence of or-
der.*

*Where
charges, of
suppressing
riots are to
be defrayed*

command such a number of suitable persons, within their respective counties, as they shall judge needful, to assist them in the execution of their office, in every branch thereof: and whosoever being of age and ability, and being so commanded, shall neglect or refuse to yield assistance to any sheriff in the execution of his office, and be thereof convicted before any court proper to try the same, shall pay a fine not exceeding ten pounds, and costs of prosecution.

And each and every constable in this state shall, within their respective towns, have power equal to what is hereby given to sheriffs in their respective counties.

And in case great opposition shall be made against any sheriff in executing lawful writs and processes, or in case there be a suspicion that such opposition will be made, such sheriff is hereby authorized, by and with the advice of two justices of the peace, one whereof to be a councillor, judge of the supreme court, or judge of the county court in such county, and such other justices as may be present, to raise the militia of the county, or so many of them as they may judge needful, and shall proceed therein, and be indemnified, as is provided by the law, entitled, *An act for prevention and punishment of riots, disorders and contempt of authority.* And all military officers and soldiers are hereby commanded to yield obedience to the sheriff's commands in such cases, on the pains and penalties herein after mentioned

That if any commissioned officer or soldier, belonging to this state, shall neglect or refuse to obey the orders of the sheriff, under the regulations aforesaid, and be thereof convicted before any court proper to try the same, such officer shall pay a fine not exceeding fifteen pounds; and every such soldier shall pay a fine not exceeding five pounds, and the charges shall be paid by any or all of the persons who shall be convicted in manner and proportion as shall be directed which shall arise. And the charges which shall be sustained by the public in the suppression of such riots, by the court taking cognizance of the offence: and in case no estate, or not sufficient to answer the said charges and damages, can be found, it shall be paid out of the county treasury where such case shall happen, and for want of money in the treasury of said county, it shall be paid out of the treasury of this state.

And

And the wages of such officers, soldiers, and other persons commanded to the assistance of the sheriff, *Wages of sheriff's assistants.* shall be five shillings per day for a captain, three shillings per day for a subaltern, and two shillings per day for each centinel, or other person employed in such service, beside such subsistence as shall be allowed by the court.

And the sheriffs shall have full power to search the houses in their respective counties, for any persons they shall have warrants from proper authority to apprehend, in matters of delinquency, or of a criminal nature: and any person who shall refuse the sheriff entrance into his house, or threaten him if he does enter, or abuse him or his assistants when he or they shall have entered the house of any person, although it is by force, on such an occasion, and be thereof convicted, shall forfeit and pay a fine not exceeding twenty pounds, and all damages that shall arise from such disorder. *Power to search. Penalty for resisting or abusing sheriffs, &c.*

And the constables shall have the like power and authority in their respective towns, and all persons opposing them shall be subject to the same penalties. *The like power given to constables.*

And the sheriff shall not return that they cannot do execution.

And the more effectually to oblige sheriff. and constables to do their duty,

Be it further enacted by the authority aforesaid, That sheriffs and constables shall receive all manner of writs, in any places, and at any times, within the limits of their jurisdiction, when and wheresoever they shall be tendered to them; and shall execute the same, and make return thereof according to the directions therein given. *Sheriffs & constables to receive & execute writs;*

And any person may demand of the sheriff or constable to whom he delivers any writ, to give a receipt therefor under his hand, wherein the names of the parties, the sum or thing in demand, the date of the writ, and of its delivery, shall be contained; and on his refusal others present may set their hands as witnesses to such delivery. *To receipt the same,*

And if such sheriff or constable shall not execute the writ, or shall neglect to make return thereof, or make a false or undue return, on complaint made to, or action brought before, the court or justice having cognizance of the same, the court or justice may inquire thereof by the evidence produced, and if he be found in *To be fined and pay damages.*

in default, the court or justice may set a suitable fine upon him, and award damages to the agrieved party, having respect to the quantity and quality of the action, and the peril that might have happened to him by the delay which he suffered.

Which process against such sheriff or constable shall be served at least fourteen days before the sitting of the court wherein it is to be tried.

No appeal or review. And when any sheriff or constable shall be sued for not executing, or duly returning, a writ of execution delivered to him to serve, there shall be no appeal or review in such case.

Provido. Provided, A receipt be demanded or taken of the officer for such writ of execution, at the time of the delivery thereof.

When sheriff sues a receipt, no appeal &c. allowed. Be it further enacted by the authority aforesaid, That whenever any sheriff or constable, by virtue of any writ of execution, shall seize any goods or chattels, to answer and satisfy such execution, and any person shall appear to receive such goods and chattels into his care, and shall give to such officer a writing well executed by such person, therein expressing the receipt of such goods and chattels, and thereby promising to redeliver the same to such officer, and shall fail of performing accordingly, and any action shall be brought by such sheriff or constable against such person, on such receipt, there shall be no appeal or review allowed or granted in such case.

No sheriff, &c. to fill a writ, &c. And that no sheriff, or deputy-sheriff, or constable, shall be allowed to draw or fill up, any writ, complaint, process, or declaration, in any case whatsoever, nor appear in any court as an attorney, for or in behalf of any person whatsoever.

Otherwise plaintiff to be nonsuit. And if it shall appear in any case that the writ, process, declaration, or complaint, was drawn or filled up, by any sheriff, deputy-sheriff, or constable, (their own cases excepted) the same shall be dismissed, and the plaintiff shall be nonsuited: any law, usage, or custom, to the contrary, notwithstanding.

Processes served, to be returned And all processes served by any sheriff or constable, shall be by them returned to the courts or justices before which the cases are to be tried, before the time set in the processes for trial.

Sheriffs may have two deputies. And be it further enacted by the authority aforesaid, That the respective sheriffs may appoint and empower two deputies, and a goalkeeper, to act under them in each of their several counties, and no more.

Provided nevertheless, That the sheriffs in their respective counties shall have liberty, at the risk of the plaintiff, on special occasions, to depute any meet person to serve any particular writ or process; which deputation shall appear entered on the back of such writ or process: any thing in this act to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That no person shall be allowed to act as deputy sheriff, until he takes the oath of office.

Deputy to take oath of office. Proviso.

Provided nevertheless, That when any person shall be deputed to serve a writ on some special occasion, as aforesaid, and shall make oath before some justice of the peace that he truly and faithfully served the same, according to his endorsement thereon, and that he did not fill up said writ, and such oath being endorsed thereon, or properly certified by the authority administering the same, such service shall be good and valid in law: any thing in this act to the contrary notwithstanding.

Provided also, That nothing in this act shall extend to prevent the sheriffs, in their several counties, from deputing each other to serve as deputies in their respective counties.

Proviso.

And be it further enacted by the authority aforesaid, That all writs and processes that shall be served or executed by any deputy-sheriff, not qualified as aforesaid, shall be void, and abate.

Dep. Sheriff not qualified, writ to abate.

And no sheriff, deputy-sheriff, or constable, shall be allowed any fees for a *non est inventus* return, on any writ delivered to them to serve and return.

No fees for a non est return.

And be it further enacted by the authority aforesaid, That any sheriff, or deputy-sheriff, who shall neglect for the space of one month, after receiving any proclamations of the governor, acts, journals, or other proceedings of the assembly, or warrants from the treasurer of this state to collectors of state taxes, to be by him dispersed, to carry them to the respective towns as directed, and to take a receipt of the town clerk of each town for the same, or in his absence of a justice of the peace, or one of the selectmen of such town, shall, for every such neglect, forfeit and pay to the treasurer of the county where the offence is committed, the sum of five pounds, lawful money, for each month's omission; to be prosecuted to effect by the state's attorney for that county

Penalty for neglecting to distribute public acts.

ty, before any court proper to try the same, and recovered to and for the use of the county, and shall not be allowed any reward for such services, unless upon such receipts taken as aforesaid.

*Passed Feb.
27, 1787.
Preamble.*

An act to prevent the spreading of the smallpox.
WHEREAS many inconveniences have heretofore arisen, and may in future arise, by the spreading of the smallpox, without due regulation.

To prevent which,

*Selectmen
to provide
places for
those who
take the
small pox.*

BE it enacted by the general assembly of the state of Vermont, That when any person in any town within this state, shall be found to be infected with the smallpox, it shall be the duty of the selectmen, by the advice of the authority of the same town, immediately to prepare a place for him or her, where it shall be thought by them most convenient to prevent the spreading of the same, and convey such infected person to such place, as soon as may be, unless a skilful physician or nurse, who shall be applied to, shall judge that he or she cannot be moved without endangering his or her life; in which case it shall be the duty of the said selectmen to let such person remain; and in both cases to take all prudent steps to prevent spreading the disease: and no such person shall come out of such infected or pesthouse until sufficiently cleansed, and liberty to be first had and obtained from the selectmen, or some person or persons by them appointed for that purpose.

*and employ
physicians
& nurses.*

And it shall be the duty of the said selectmen, immediately to employ or procure a physician or physicians, and nurses, as well as necessaries for such persons, as the nature of the case may require, at the cost of the infected person, if such infected person, or his or her friends do not procure the same, and if he or she have no estate, at the cost and expence of the town where such person does belong.

*Penalty for
giving the
disease, &c.*

And be it further enacted by the authority aforesaid, That if any person in any town within this state, shall voluntarily, either give or take, the infection of the small pox, without first having obtained liberty from the selectmen of the town, and under such directions, regulations and restrictions, as the said selectmen shall find necessary, to prevent the spreading said infection, or shall break such regulations or restrictions, or any part thereof, and be thereof convicted

victed before any court proper to try the same, he shall forfeit and pay a sum not exceeding fifty pounds lawful money, at the discretion of the court before whom the conviction shall be had, to be recovered by action or information, the one half to the person or persons who shall prosecute to effect, and the other half to the treasury of the town where such offence shall be committed, for the use of the said town.

Be it further enacted by the authority aforesaid, That if any person shall know of any persons being infected in any manner with the smallpox in this state, contrary to the true intent of this act, and not immediately acquaint the authority or selectmen of such town in which such infected person resides, or some of them, of the same, and be thereof convicted, he or she shall forfeit and pay a sum not exceeding ten pounds lawful money, at the discretion of the court before whom the conviction shall be had; to be recovered and applied as aforesaid; and if the convicted person or persons, in either of the cases beforementioned, shall not have estate sufficient to satisfy such judgment, and cost, the court before whom the trial is had, is hereby authorized and directed, to dispose of him or her in service, a sufficient time to pay the same.

Penalty for knowing of another's having the disease and not informing.

An act for preventing stone horses running at large in this state.

BE it enacted by the general assembly of the state of Vermont, That if any person shall suffer any stallion, of one year old and upwards, to run at large on any of the commons or highways in this state, whether fettered or not, it shall and may be lawful for any person to take up, castrate and impound, every such horse or colt; which castration shall be at the risk and charge of the owner. And if the owner is known, the impounder shall forthwith inform him thereof; and if being so informed, he shall neglect or refuse to redeem such horse or colt, within twentyfour hours after such notice given, by paying all cost and charge that hath arisen by reason of said stallion being taken up, castrated, impounded, and trouble of giving information, it shall and may be lawful for the constable of the town where such horse or colt is impounded, to sell said horse or colt, at an outcry, after posting him ten days before

Passed March 9, 1787.

Stallions running at large may be castrated & impounded.

Proceedings if the owner does not redeem them.

before such sale. And the monies that shall be collected by such sale, after paying the necessary charges, costs and damages, if any there be, shall be paid to the owner of such horse or colt. And if the owner is not known, the constable of such town shall cry such stallion in the same, and in the three next adjoining towns, by posting his natural and artificial marks twenty days; and if no owner appears within twenty days, to dispose of such horse or colt as directed in cases where the owner is known, and neglected or refused to redeem them: and the monies arising from such sale or sales, if any there be, over and above all costs, charges and damages, shall be put into the treasury of such town, where such horse or colt were impounded, there to be kept for the owner; and if the owner of such stallion doth not appear within one year after such impounding, the money shall belong to, and be appropriated to the use of the town where such stallion is impounded.

*Passed
March 8,
1787.*

*The finder
of goods to
record them
in town
clerk's office*

An act concerning strays and lost goods.
IT is hereby enacted by the general assembly of the state of Vermont, That whoever shall take up any stray beast, or find any lost goods of the value of five shillings, or upwards, the owner whereof is unknown, shall cause to be recorded in the town clerk's office of the town where they are found, a true description thereof, with the natural or artificial mark of the same, & the name of the keeper thereof, within twelve days after the finding of such goods or beast; and shall also advertise the same, in at least two of the most public places of the town where the same were found, upon penalty that the person so finding or keeping such goods or beast, and failing in his duty herein, shall for such default forfeit the value of such lost goods, or stray beast; one half to the complain-er, and the other half to the town treasurer.

*Condition
of restitu-
tion.*

And if the owner shall appear within six months after registering and advertising such lost goods, or stray beast, and make good his title, he shall have restitution of the same, first paying all necessary charges for the trouble and care taken about such goods or beasts, and costs, which the next justice of the peace shall adjudge.

*Goods to be
appraised.*

And if no owner shall appear within said six months, such justice may, on application, appoint three

three judicious freeholders, who shall, under oath, appraise such goods or beast according to the true and just value thereof in money.

And if the owner shall appear within said six months next after such appraisal, and make good his claim as aforesaid, and pay all necessary charges for the trouble and care taken about such goods or beast, and costs to that time, (to be adjudged of as aforesaid) he shall have restitution of the same, or the value thereof, at the election of the finder, according to the appraisal aforesaid. *Owner appearing goods to be restored.*

And if no owner shall appear within twelve months and a day, after the registering and advertising of such lost goods or stray beast, the value thereof, according to the appraisal aforesaid, shall, (after all just dues to the finder, keeper, and registerer are defrayed) be to the use of the treasury of the town where such goods or stray beast were found. *Owner not appearing, goods to be forfeit.*

And the selectmen of such town are hereby fully empowered to recover and receive the same, for the use of said town.

Always provided, That if the keeper of such lost goods or stray beast shall be faithful in taking care of them, such goods or beast shall be at the risk of the owner. And that no beast shall be taken up as a stray, except it be found in a suffering condition, or manifestly straying from its owner. *Proviso.*

An act for ascertaining the expense of making surveys in certain cases therein mentioned. *Passed Oct. 26, 1785.*

BE it enacted by the general assembly of the State of Vermont, That where any surveys have been made of lands sold at public vendue for raising the land tax granted by the general assembly, at their sessions at Westminster, in October 1783, and returned into the proper office as the law directs, and the cost of such survey has not been returned, or if the proprietor, landowner, or person employed to redeem such land, shall think the cost returned on such survey unreasonable, he may apply to two of the next justices of the peace, who shall, on such application, examine the matter, and shall allow for the cost of any such survey, such sum as they shall judge reasonable, and shall certify the same to the clerk in whose office such survey is lodged; and the clerk shall, in the redemption of any such land as aforesaid, *Persons redeeming land, may apply to two justices to liquidate surveying fees.*

said, take no more for the cost of survey than the sum that shall be so certified, and the legal interest; and the person entitled to the redemption money in such case, shall demand of the clerk no more for his survey than the sum so allowed, and certified as aforesaid, with legal interest.

Who to pay the costs. And be it further enacted by the authority aforesaid, That in case such justices shall on examination, determine the charges are too high, then the expense of such procedure shall be deducted from such redemption money, as may be assessed by such court: and in case said justices shall not abate such bill of cost as aforesaid, then the person applying shall pay all such expense.

*Passed
March 3,
1787.*

*Persons not
freeholders,
to give bond
of prosecution.*

*A minute
of bond to
be made.*

*Bond to be
given before
issuing a
warrant.*

An act concerning sureties and scire facias.
BE it enacted by the general assembly of the state of Vermont, That whenever any person or persons, not being freeholders in this state, shall apply to any person having authority to issue writs, for any process whatsoever, to bring or summon any person or persons to answer before any court in this state, there shall be sufficient security given to the defendant or defendants, by way of recognizance, to the satisfaction of the authority signing such process, before the signing thereof, that the plaintiff or plaintiffs shall prosecute his, her, or their writ to effect, and shall answer all damages if a judgment shall be rendered against him, her, or them. A minute of which recognizance, with the name of the surety or sureties, and the sum in which they are bound, shall be made upon the said writ, at the time of the signing thereof, and signed by such authority: and if any writ be otherwise issued, the same shall abate.

Be it further enacted by the authority aforesaid, That no special warrant, to apprehend the body of any person, shall be granted by any magistrate, before the person praying out such warrant has given sufficient surety or sureties, to the acceptance of such magistrate, by way of recognizance, to the person complained of, that such person requesting the warrant will prosecute his complaint to effect, and answer all damages if he does not support it; a minute of which recognizance shall be made and signed as is herein before directed in civil causes: and if any warrant shall otherwise issue, the prisoner shall be discharged from

from the same, and recover his costs against the complainer.

Provided, That an informing officer shall not be obliged to give such surety, in the prosecution of criminals or delinquents. *Proviso.*

Be it further enacted by the authority aforesaid, That bail may be taken by any person serving an attachment, causing the surety or sureties to endorse his or their names or marks on the precepts; by virtue whereof the surety or sureties shall be holden to satisfy the judgment, in case the return of *non est inventus* be legally made on the execution, unless just cause shall be shewn to the contrary, at the return of a writ of *scire facias*, to be issued against such surety or sureties. by the creditor or creditors, within one year from the time of rendering the original judgment; or unless the surety or sureties shall render the body of the principal into court, before entering the judgment upon the *scire facias*, (an officer being present) shall pay the costs upon the *scire facias*, and move to be discharged; in which case the court shall direct an officer to receive the principal into custody, that his body may be taken in execution; and it shall be lawful for such officer to detain the principal so long as the court shall direct, not exceeding twenty days from the rising of the court.

Bail may endorse the writ.

And in case a writ of *scire facias* against the bail, issued within one year from the time of rendering the original judgment, shall be returned *scire feci*, and no just cause shewn to the contrary, or the principal rendered as aforesaid, judgment shall be given for the original debt or damages, and costs, with the additional costs of suit, and execution shall issue accordingly: and that no suit shall be prosecuted against any officer, or other person taking bail in manner aforesaid, where the bail shall be sufficient.

Officer not to be sued if bail is sufficient.

And every surety of whom such recovery is had, or who shall otherwise sustain damages by being bail, shall have right to recover all such damages as he shall so sustain, against the principal.

Bail may recover against principal.

Provided, That nothing herein contained shall be construed to prevent the bail from delivering the principal into court, before or during the term in which the original judgment shall be entered, in discharge of him or themselves. *Proviso.*

And be it further enacted by the authority aforesaid,
That

*Officer tak-
ing insuffi-
cient bail,
liable.*

That when any officer, or other person serving an attachment, or authority issuing a replevin, shall take insufficient bail, or sureties in the action, he shall be liable to answer all damages to the creditor or creditors, his or their executors, administrators or assigns, who may recover the same against the person taking such insufficient bail or sureties, his heirs, executors, or administrators, in a special action on the case, to be brought for that purpose.

*Bond for
liberty to a
debtor as-
signable,*

And be it further enacted by the authority aforesaid,
That whenever the condition of any bond, legally taken by a sheriff, goaler, or other officer, for giving liberty to a debtor, being in confinement, shall be broken, such bond shall be assignable to the creditor, who may maintain action thereon in his or her own name, and shall be entitled to all privileges and advantages thereon, which the sheriff or other officer taking the same would be if the suit was brought by him. And no action shall be maintained against any officer taking such bond, for an escape, or other cause mentioned in the condition thereof, unless the creditor shall have sued the bond taken by such officer, and assigned as aforesaid, and is unable to recover the debt or damages; if the sheriff or other officer who took the bond, shall upon demand made, transfer such bond to the creditor: and if the signer of the bond shall be unable to satisfy the judgment recovered thereon, or if the creditor shall be unable to recover judgment against them on account of the neglect, laches or default of the officer, the creditor may sue the officer taking such bond, upon the original cause of action, and shall recover against him all damages which such creditor shall have sustained.

*and the o-
bligee to be
first sued,*

*if unable,
the officer
to pay dam-
ages.*

*Scire facias
to issue on
judgments
recovered
before jus-
tices who
die, &c.
before issu-
ing execu-
tion.*

And be it further enacted by the authority aforesaid,
That when any justice of the peace shall have rendered judgment in any cause, on confession or otherwise, and before execution shall be granted thereon shall die, or be otherwise removed, the party recovering such judgment shall have a right to a *scire facias*, returnable at the county court of the county in which such judgment was had, or before a justice of the peace, if within his cognizance, against the defendant or defendants; and upon producing to the said county court or justice, the record of the said judgment, or a copy attested by the justice, so removed, shall recover a judgment for such sum as shall appear

to be unpaid, and for all additional costs; and execution shall issue accordingly.

An act for appointing county surveyors in the counties, and for directing and regulating them in the execution of their office.

*Passed
March 6,
1787.*

BE it enacted by the general assembly of the state of Vermont, That there shall be appointed by the county courts of the respective counties in this state, from time to time, as there shall be occasion, one or more persons in each county in this state, of the most skilful and honest inhabitants of their respective counties, to be public or county surveyors, or surveyors for laying out lands, and for running of the bounds of lands already laid out, according to their original grants, as need shall require; & for the running of lines between different proprietors & persons & other services proper for a surveyor to do; who shall be sufficiently skilled in the surveyor's art, and be furnished with instruments suitable and sufficient for that service; who being first sworn by any justice of the peace to the due execution of his office, shall have full power and authority to execute said office, in the respective counties for which they are or shall be appointed.

*County
courts to
appoint
county sur-
veyors.*

*Who shall
be sworn.*

That when and so often as any county surveyor shall be employed in doing any service in his office, and there shall be occasion for carrying the chain to measure lines, that the men employed to carry the chain shall take the oath by law appointed for them; which oath such surveyor is hereby fully empowered to administer to such chainman, as he calls to his assistance as aforesaid.

*Chainmen
to be sworn.*

That when a county surveyor is called out to run any line between adjoining proprietors, and in order to find the course from boundary to boundary, he is obliged to run a random line to find the certain and true course, and in so doing runs on the land of adjoining proprietors, such surveyors shall not be deemed guilty of trespass in so running such random line, but may lawfully do the same.

*Surveyors
indemnified
in running
random
lines.*

Provided, He do the said service in either of the months of March, April, October, or November.

Provided.

Be it further enacted by the authority aforesaid, That if any person or persons shall, by any way or means, oppose,

*Penalty for
opposing
surveyors,
&c.*

oppose, hinder or interrupt, any county surveyor, in the due execution of his office, or shall by any way or means oppose, hinder or interrupt, any committee appointed by the general assembly to run, fix or ascertain, the bounds or lines between particular townships or proprietors, or for other business, or any other person by them employed to assist in the running and fixing any such line, or doing any other business which such committee shall be appointed for; every such offender shall incur the penalty of ten pounds, and be bound to his good behavior, with one or more sureties, at the discretion of the court that hath cognizance of such offence; the one moiety of which penalty to be paid to the treasurer of the county wherein the offence is committed, and the other moiety to the person who shall prosecute the same to effect.

*Passed Feb.
27, 1787.*

*Swine run-
ning at large
to be im-
pounded.*

An act for restraining swine from going at large.

FOR the keeping of swine within proper limits,

BE it enacted by the general assembly of the state of Vermont, That no swine shall be allowed to run at large on the highways or commons in this state; and if any person or persons shall allow his or their swine to run at large on the highways or commons aforesaid, it shall be the duty of the hayward (and it shall be lawful for any other person) to impound such swine, and the owner or owners of such swine shall pay the poundage, by law allowed, before they are released out of pound.

Proviso.

Always provided, That every town in this state shall have liberty to agree otherwise, respecting the swine running within the limits of such town.

*Passed
March 10
1787.*

*Who to
nominate
tavernkeep-
ers,*

An act for licensing and regulating tavernkeepers.

FOR the better regulating taverns.

BE it enacted by the general assembly of the state of Vermont, That the magistrates, selectmen, constables and grand jurors, of their respective towns in this state, shall some time in the month of March, annually, after the annual meeting for the choice of town officers, nominate the person or persons whom they, or the major part of them assembled for that purpose, think fit and suitable to keep houses of public entertainment in the said town, the ensuing year: which nomination being presented to the next county court

court in that county, such court may grant licences to such persons accordingly, to keep an house or houses of public entertainment for the year ensuing, and shall grant licences to no other persons in towns where such nominations have been made ; which licences shall be in force for one year next ensuing the sitting of the court after such nomination, and no longer.

County court may licence them

Provided nevertheless, That if there shall be no such nomination made in any town or place, in any county in this state, where it shall be judged that a house or houses of public entertainment should be kept, the county court in such county may grant licences to so many persons, living within such town or place aforesaid, as to them shall seem necessary for the accommodation of the public : any thing in this act to the contrary notwithstanding.

Provide.

But if the county court is of opinion that the number nominated in any town is too great, they shall have liberty to lessen the same, and may also refuse to grant licence to such persons as shall appear to them not suitable for such trust, notwithstanding their nomination as aforesaid : and such court shall take surety to the treasurer of the county, in the sum of thirty pounds, of every such person to whom such licence shall be granted, for the due observance of all the laws of this state respecting tavernkeepers, or houses of public entertainment :

Court may refuse licences.

To take surety.

And be it further enacted by the authority aforesaid, That it shall be the duty of the several county courts in their respective counties, in their discretion, according to the profits of the tavernkeepers in such counties, from time to time, to prefix the sums to be paid into the county treasury for the licences of such tavernkeepers, not exceeding the sum of ten pounds.

Court to assess tavernkeepers.

Be it further enacted by the authority aforesaid, That when and so often as the authority, selectmen, and and grand jurymen, in any town, or where there is no justice of the peace living in any town, the selectmen and grand jurors, shall understand that any man in such town is a tavernhaunter, or spends his time idly at any such house of entertainment, they, or the major part of them, shall at their discretion, cause the name of such tavernhaunter to be posted at the door of every tavern in the same town by setting up a certificate under their hands, forbidding every tavern-keeper

Authority to post tavernhaun-tera.

keeper in such town, on the penalties contained in this act, to entertain, or suffer the person therein named, to have or drink any strong liquors, of any kind whatsoever, in or about their houses, until such authority, selectmen and grand jurors, shall annul such prohibition. And if such tavernkeeper shall, after such posting of any person's name, and notice given by any of the said selectmen or grand jurors, suffer or permit any person posted as aforesaid, to drink any rum, wine, or other strong liquor, in or about his house, or in any of the dependencies thereof, he shall pay, as a fine, the sum of ten shillings for every such offence.

Grand jurors, &c. to present breaches of this act.

And all constables and grand jurors, in their respective towns, shall make presentment of all tavernkeepers who do not observe the laws aforesaid, nor keep due order in their respective houses, to the next county court in that county, at their first sitting, and such court shall cause the person so presented, forthwith to appear before them, to answer such presentment; and if upon trial such tavernkeeper be found guilty, the court shall enter up judgment for the forfeiture of the bond given, or procured to be given, by such tavernkeeper, and for costs; and such person shall forthwith, before said court, enter into a bond of sixty pounds, in the tenor of the former bond which shall also be prosecuted in like manner, in case of a forfeiture.

Penalty for selling spiritous liquors without licence.

And be it further enacted by the authority aforesaid, That no person or persons whatsoever in this state (except such as have licence from the county court of the county in which they dwell, for keeping a tavern or public house of entertainment, as in this act is provided) shall be a common innholder, taverner or seller of wine, beer, ale, cyder, or any other strong liquors, publicly or privately by a less quantity than a quart of wine, rum, or other such strong liquors, or a gallon of cyder, beer or such like drink, and that delivered and carried away all at one time, on the penalty of forfeiting and paying the sum of three pounds for the first offence, and the sum of six pounds for the second offence; and so double for every breach of this act he shall be convicted of; which fines shall be disposed of, half to him who complains and prosecutes to effect, and the other half to the county treasury.

And

And when any person shall be duly convicted of keeping a tippling house, or selling strong beer, ale, cyder, metheglin, wine, rum, or mixed drink, or any strong drink whatsoever, under the quantities before mentioned, without licence first had and obtained from the county court for the same, and shall be unable to pay the fine imposed by law for such transgression, together with the costs of prosecution, or shall not pay such fine or charges, and likewise give bond for good behaviour, if it be a second conviction, within the space of twentyfour hours after sentence declared, it shall and may be lawful for two justice of the peace, or the court before whom the conviction shall be, to assign such offender in service, to any citizen of this state, for so long a time as shall be necessary to satisfy said fine, and cost, or to restrain the offender in prison until such fine and charges are paid, or secured.

Persons unable to pay the fine, &c. to be bound out

An act empowering the authority and selectmen of the several towns in this state to abate a certain part of the several taxes.

Passed March 8, 1787.

WHEREAS it is impracticable (in some instances) to collect the several taxes assessed on the inhabitants, by reason of the death, removal, or extreme poverty of particular persons; and it being unreasonable that the collectors should be chargeable therewith: Therefore,

Preamble.

BE it enacted by the general assembly of the state of Vermont, That the authority and selectmen of each town in this state be, and they are hereby authorized and empowered to abate any part, or all, of any rate which has been assessed, or shall from time to time be assessed, on any such person or persons, inhabitants of any such town or towns where such authority and selectmen reside, as may have died insolvent, or removed out of the state, or otherwise become unable to pay the same, after such taxes are assessed; or where it shall otherwise appear to such authority and selectmen, that it is impracticable for any such collector or collectors to recover any such tax or taxes, and that such rate was not lost by the negligence or inattention of such collector or collectors: and the said authority shall take an account of the rates so abated, and the collector shall, in presence of such authority, endorse the rates so abated,

Authority and selectmen may abate taxes.

either in whole or in part ; and the persons by whom such sums so abated were payable, shall thenceforth be discharged, according to the abatement so made.

Proviso.

Provided always, That the sum or sums so abated, in any such town, do not exceed one twentieth part of the whole of any such towns tax or taxes.

Collector obtaining a certificate, to be allowed on the tax

And any such collector or collectors, obtaining a certificate under the hands of the major part of such authority and selectmen of any such town, and delivered to the treasurer, or person to whom the tax is payable, shall be received by him for such part of any such tax or taxes, as are particularly specified in such certificate : any act to the contrary notwithstanding.

Form of bills of abatement.

And be it further enacted by the authority aforesaid, That the following shall be the form of bills of abatement on state taxes, and that on other taxes, the bills shall be as near similar thereto as circumstances will admit of, viz. At a meeting of the authority and selectmen of ———, on application of A. B. collector of state taxes for said town, to abate part of a tax granted by the general assembly, at their session in ———, 17—, of ——— on the pound, on the list of 17—; on due examination, we do hereby abate the sum of £—— on said tax.

*Passed
March 8,
1787.*

An act regulating the disposition of the monies raised by tax on lands in the several towns, for the purpose of making roads, building bridges, &c.

Preamble.

WHEREAS, it is found, that the monies raised by taxing the lands for the purpose of clearing and mending roads in the several towns, has not been so prudently expended as might be : and whereas, it is enacted, that any landholder having his land taxed, shall have the privilege of paying his tax in labor on said roads ; yet the collectors have heretofore given so short notice, that no person, unless those in the town where such tax is raised, could be benefited thereby. Therefore,

Land to be advertised three months before the sale.

BE it enacted by the general assembly of the State of Vermont. That in future the collectors of taxes laid on lands for making and mending roads, (by grant of the assembly) shall publish the same in the Vermont Gazette and Journal, at least three months before the sale of said land, and in the mean time there shall be a committee appointed, whose duty shall be

be to superintend and see the work done : and if any *Persons* person shall appear to pay his tax by labor, at any time *may work* before the day of sale sufficient to pay his tax, the *out their* said committee shall set him to work on said *Roads, tax.* roads or bridges, until he has paid his tax, and his land shall not be sold at vendue.

And to prevent disputes about the price of labor,

Be it enacted by the authority aforesaid, That the price for labor shall be four shillings per day, the *Price of* person boarding himself, in that season of the *labor.* year from the first of May till the first of October, and in any other season three shillings per day.

An act to make certain articles of personal property *Passed* a tender on execution, in certain cases therein *March 8.* mentioned. *1787.*

WHEREAS through the scarcity of a circulating medium, it is very difficult to satisfy all debts in *Preamble.* *specie.* Therefore,

BE it enacted by the general assembly of the state of Vermont, That neat cattle, beef, pork, sheep, wheat, rye, and indian corn, shall be a lawful tender, if turned out by the debtor on any execution ; *Neat cattle &c. a tender on execution.* and it is hereby declared to be the duty of an officer having any execution, to levy the same on any or all of the aforesaid estate, so turned out by the debtor : and such estate so turned out and taken in execution shall, unless the debtor shall within four days otherwise satisfy such execution, be appraised to the creditor, at the place where by the contract the payment *The place of appraisal.* was limited to be made, if within this state, or where no place of payment was mentioned in the contract, at the signpost in the town where the plaintiff lives, if within the state : but if the plaintiff shall live without the state, and no place of payment within the same shall have been limited in the contract, then at the signpost in the town where the property shall be taken, or other place where the parties may agree. And the appraisers of such estate shall be appointed in the same manner as the appraisers of real estate are by law to be appointed : and all reasonable charges of such appraisement shall be satisfied by the officer, out of the debtor's estate. *Charges to be paid out of debtors estate.* And the appraisers before they proceed to execute their trust, shall take *the*

either in whole or in part ; and the persons by whom such sums so abated were payable, shall thenceforth be discharged, according to the abatement so made.

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and it is hereby declared to be the duty of an officer *der on ex-*
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of the aforesaid estate, so turned out by the debtor :
and such estate so turned out and taken in execution
shall, unless the debtor shall within four days other-
wise satisfy such execution, be appraised to the cred-
itor, at the place where by the contract the payment *The place*
was limited to be made, if within this state, or where *of apprai-*
no place of payment was mentioned in the contract, *sal.*
at the signpost in the town where the plaintiff lives,
if within the state : but if the plaintiff shall live
without the state, and no place of payment within
the same shall have been limited in the contract, then
at the signpost in the town where the property shall
be taken, or other place where the parties may agree.
And the appraisers of such estate shall be appointed
in the same manner as the appraisers of real estate
are by law to be appointed : and all reasonable charg- *Charges to*
es of such appraisement shall be satisfied by the offi- *be paid out*
cer, out of the debtor's estate. And the appraisers *of debtors*
before they proceed to execute their trust, shall take *estate.*
the

the following oath, which such officer is hereby empowered to administer, viz.

*Appraisers
oath.*

You ——— being appointed to appraise such estate as shall be presented to you, do swear, that all partiality, prejudice, and other sinister respects laid aside, you will appraise the said estate according to the just value thereof in money, to the creditor or creditors who is to receive the same, and that you will do therein according to your best judgment and conscience. So help you God.

Proviso.

Provided always, That this act shall not extend to executions issued on any judgment obtained, where the cause of action arose since the first day of July, 1782; and it shall be certified on such execution, at what time the cause of action on which judgment shall be rendered, did arise.

*Where the
article ap-
praised sur-
mounts the
debt, &c.
how paid,
&c.*

And be it further enacted by the authority aforesaid, That when the article turned out by the debtor, and appraised to the creditor as aforesaid, shall surmount the sum due on the execution and costs, such surplus shall be payable by the creditor, at his or her dwellinghouse, if within this state, to the debtor on his demand, in either of the articles herein before made a tender on execution: and if the creditor is not an inhabitant of this state, the same shall be payable at the dwellinghouse of the creditors agent or attorney, in the articles aforesaid.

*Passed
March 8,
1787.*

Preamble.

An act giving remedy against tenants in common, &c. who are delinquent in payment of taxes.

WHEREAS it is necessary to give relief to such coparceners, joint tenants, and tenants in common, who have paid, or shall pay, their proportion of any tax or taxes, which have been or shall be assessed on lands lying in common, when part of such lands have been, or shall be sold for payment of such taxes. Therefore,

*County
courts pow-
er to relieve
tenants in
common,
&c.*

B*E it enacted by the general assembly of the State of Vermont, That it shall and may be lawful for any county court of the county in which such land as aforesaid has been or hereafter shall be sold, upon application of any one or more owners of land held in coparcenary, jointtenancy, or in common, to nominate and appoint two or more discreet freeholders, (who shall be sworn by any justice of the peace of the same county, to the faithful discharge of their trust) to appraise the land so sold, or which may hereafter*

hereafter be so sold, for the payment of taxes; and to set off to the part owner or owners who have not been delinquent, so much of the remainder of the land so held in coparcenary, jointenancy, or in common, as the said appraisers shall judge to be a full recompence for the land so sold, and necessary charges, which such part owner or owners not delinquent, shall have been at in procuring such recompence; and the certificate of such appraisers, or the major part of them, that they have set off such land to such part owner or owners, recorded in the town clerk's office, or for want thereof, in the county clerk's office, shall vest the title of said land, so set off, in the person or persons to whom the same shall be set off, in severalty, in as full and ample a manner as a deed from the delinquent owner or owners might or could have done.

An act for the punishment of theft.

BE it enacted by the general assembly of the state of Vermont, That whatever person shall steal any money, goods or chattels, and be thereof convicted, shall make restitution thereof, & forfeit and pay treble the value of the money, goods or chattels, so stolen, unto the owner or owners thereof, and be further punished by fine, at the discretion of the court or justice that hath cognizance of such offence, not exceeding ten pounds, or by whipping on the naked back, not exceeding thirtynine lashes.

And if any such offender be unable to make restitution, and pay such three fold damages, he or she shall make satisfaction by service; and the prosecutor shall be, and is hereby empowered, to dispose of such offender in service, for such time as he or she shall be assigned to such prosecutor by the court before whom the prosecution shall be; which such court is hereby empowered to do, for the payment of such damages, and recompence of such goods stolen.

And if any person or persons shall conceal or harbor any thief, or receive any stolen goods, knowing them to be such, unless with intent to restore them to the owner, every such person so concealing or receiving, shall suffer and be punished as he or they who commit the theft.

And every justice of the peace in the county where such offence shall be committed, is hereby authorized

*Passed Feb.
20, 1787.*

*Penalty for
stealing.*

*Thief unable, to be
disposed of
in service.*

*Penalty for
being accessory.*

Justices jurisdiction.

to hear and determine all offences against this act, when the value of the goods stolen shall not exceed two pounds.

*Passed Oct.
27, 187.
Preamble.*

An act against taking or destroying white-pine, or any other valuable timber.

WHEREAS many persons sustain damages by their timbers being destroyed in Connecticut-river.— Which to prevent in future.

*Penalty,
for taking
timber out
of Connect
icut-river.*

BE it enacted by the general assembly of the State of Vermont, That whosoever shall stop, take away, destroy, or in any way damage, white-pine, or any other valuable timber, having any artificial mark thereon, or deface such mark on any timber, within the banks of the river Connecticut, and be thereof legally convicted before any court within this state proper to try the same, shall pay to the owner or owners of such timber, treble damages, and cost of prosecution.

*Proceed-
ings where
logs are
left on im-
proved
land by a
freshet.*

Provided always, and be it further enacted by the authority aforesaid, That when such logs or valuable timber, shall be left by any flood or freshet in the enclosure or on the improved land of any person, to the prejudice of his, her, or their land, or private business, or in any public highway, green or common, to the prejudice of the public, and such timber be removed, and a true record of the length, diameter, and artificial marks thereof, made by the town clerk of the town where such timber lies, and the owner shall not within nine months next after such record, take away such timber or logs, and pay all necessary cost and damage, such logs or timber shall be to his her or their use whose land it is left upon; but if on an highway, to him who booked it: any thing in this act notwithstanding.

*Pass'd
March 9,
187.*

*Townclerks
to record
marriages,
&c.*

An act directing town clerks in their office and duty.

BE it enacted by the general assembly of the State of Vermont, That it shall be the duty of the town clerk or register, in every town in this state, to record all marriages, births and deaths, of persons in their towns; and that all parents and masters shall bring in to the clerk of the town to which they belong, the names of such persons who shall have been born, or shall have died, while under their charge or care: in like manner it shall be the duty of executors and

and administrators, to present to the town clerk for record, the name of the deceased to whose estate they are executors or administrators; also that every new married man shall bring the time of his marriage sufficiently proved, either by a certificate from the person who married him, or by other legal proof, to the clerk of the town where one of the parties reside, or the marriage shall be solemnized, within one month after such marriage, birth or death: and every person so neglecting, shall forfeit the sum of four shillings for each month's neglect.

Who to bring in for record, &c.

Penalty for neglect.

And the clerks of every town shall, as far as they are able, give in an account of all such neglects to the grand jury, who shall make presentment thereof to the next justice of the peace; which forfeitures shall be paid to the town treasurer.

Grand jurors to make presentment.

And be it further enacted by the authority aforesaid, That the several town clerks in this state, shall respectively cause to be delivered to the treasurer of the state, certificates of the names of the first constables of their towns, at or before the rising of the next session of the legislature after such constable shall be chosen, on penalty of forfeiting to the treasury of the state, five pounds for each neglect; to be sued for and recovered in behalf of this state, by the secretary of the state for the time being, in an action to be brought on this statute, in his own name.

Town clerks to send to the treasurer the names of their first constable.

Penalty for neglect.

Be it further enacted by the authority aforesaid, That there shall be a suitable book or books for registering, kept in each town in this state, (at the cost of the town) with an index or alphabet to the same: in which book or books, the town clerk shall record every man's house and lands granted and measured out to him, with the bounds and quantities of the same, and date the time of his entering all such records. And the town clerk in each town shall keep the town book or books in their respective towns, and shall truly enter in the said book or books, all votes of the said town, grants or conveyances of lands, choice of town officers, and the other town acts and matters, upon his oath; (except when at any town meeting he shall necessarily be absent) and shall grant copies of the same, as need shall require, for reasonable satisfaction.

Town clerk to record deeds.

Votes, &c. on his oath.

And it is hereby declared to be the express duty of the selectmen of any town, upon application of the

Selectmen to furnish town books.

Penalty for omission. the town clerk, to furnish him with any or all the books before named, as the same shall be needed. And every town which shall be unfurnished with such books, or either of them, shall forfeit for each month's omission, the sum of ten shillings for each of the said books, to be recovered by any person who will sue for the same; one half to his or their use, and the other to the use of the county treasury of the county where such town lies.

Passed Feb. 7, 1787. An act for empowering the inhabitants of the respective towns in this state, to tax themselves on certain occasions

Preamble. TO enable the several towns to raise money to defray their contingent expenses,

Towns may tax themselves. **B**E it enacted by the general assembly of the state of Vermont, That the inhabitants of the respective towns in this state, having previously received at least ten days warning from their selectmen, of the matter to be debated, be, and they are hereby authorized, at their annual or any other town meeting, to grant a tax upon themselves for support of the poor in such towns, for defraying their incidental charges, or for any other purpose which they may deem necessary, not inconsistent with the constitution and laws of this state.

Passed Feb. 7, 1787. An act for regulating town and other public meetings, and directing the choice of town officers.

Preamble. FOR preserving decorum in public meetings, and better regulating the choice of town officers, and petit jurors.

Penalty for persons behaving disorderly in town meetings, &c. **B**E it enacted by the general assembly of the state of Vermont, That when any town, society, or proprietors meeting, or the meeting of any other community, is lawfully assembled, if any person or persons whatsoever, shall in any such meeting or assembly, by tumultuous noise, quarrelling, or any unlawful act, disturb such meeting, or hinder the members thereof from proceeding to the choice of their moderator, or after the choice of their moderator shall vilify or abuse him, or interrupt him in the discharge of his trust; or after he has commanded silence in such meeting, shall speak in the meeting to the disturbance of the business of the meeting, without the moderator's leave first had and obtained, unless it be to ask reasonable

reasonable liberty to speak) such person or persons so offending in any of the particulars abovementioned, contrary to the intent of this act, shall, for every such offence, forfeit and pay a fine not exceeding twenty shillings, to the treasury of the town where such offence is committed.

All offences against this act to be heard and determined before any justice of the peace, unless where the offence be aggravated by some notorious breach of the peace; in which case the offender shall be bound over by such justice to the next county court, to answer for such offence, which court may impose such fine as the aggravation of the offence, in their judgment, deserves, not exceeding five pounds.— And no such meeting shall be adjourned, but by the consent of the major part of the members present.

For notorious misdemeanors, persons to be bound to county courts.

And be it further enacted by the authority aforesaid, That the selectmen of each town in this state, shall set up a notification at such places as have been or shall be agreed on by the inhabitants who are by law qualified to vote in such meeting, to meet at the meeting house, or some other convenient place by them appointed in such town, giving twelve days notice before the convening of such meeting, which shall be held some day in the month of March, annually, at ten o'clock in the morning; and where there shall be no selectmen in any town, upon the application of four of the freeholders or credible inhabitants of such town, to a justice of the peace in the same county, requesting him to warn a meeting for the purpose of electing town officers, such justice is hereby empowered and required to warn such meeting, in the same manner the selectmen are directed to pursue.

Selectmen to warn the meeting.

And it shall be the duty of the inhabitants when met as aforesaid, to proceed to choose a moderator for said meeting, and town clerk or register: then they shall choose a number not exceeding five, to be selectmen, to take care of the prudential affairs of such town; also a town treasurer, one or two constables, listers not exceeding five, collectors of town rates, leather sealers, one or more grand jurors, one pound keeper to each district in every town, one or more tythingmen, haywards, fence viewers, surveyors of highways, sealers of weights and measures, and every other town officer that the law of this state shall direct.

To choose moderator and town officers.

A a

And

Selectmen to see officers sworn. And the selectmen of such town shall forthwith after such choice, see that all the officers are sworn to the faithful discharge of their respective offices, by a justice of the peace ; or in case no such officer be present, by the town clerk, who shall make an entry in the records of such officer's being chosen and sworn ; — then the selectmen, and constable or constables, with the town clerk, and such magistrate as may be present, shall agree upon a number of men that may be thought by them to be their proportion of petit jurymen, to attend the supreme and county courts the ensuing year ; which number shall be nominated by said authority, and chosen by the people present, and shall be able discreet freeholders.

Petit jurymen nominated.

Who are to be drawn out of the box.

And the town clerk shall write the name of each of the persons so chosen, on a piece of paper, and put them into a box provided at the town cost for that purpose, and kept in his office ; and when the constable shall receive any warrant from the clerk of the supreme or county court, to summon any number of men for jurymen, to attend and serve as such at any of said courts, he shall repair to the town clerk's office, and in his presence, or in case he shall be absent, in the presence of one of the selectmen of such town, draw out of said box the number his warrant directs him to summon ; and having so done, he shall proceed to summon the men for jurymen whose names are so drawn : but if any of the men whose names are so drawn are gone from home, or sick, or otherwise unavoidably hindered from attending said court, his name or names shall be returned into the box, and others in their room drawn and summoned as aforesaid.

If the number is not in the box, &c.

And in case at any time the number of jurymen to be summoned is more than there remains in the box, the constable shall, at his discretion, summon a sufficient number of able discreet freeholders to supply such place.

Penalty for refusing to execute an office.

And be it further enacted by the authority aforesaid, That if any person shall be chosen to any of the offices aforesaid in this act, and shall refuse to serve therein, or take the oath required by law, if he be able in person to execute the same, he shall forfeit and pay to the treasurer of the town where he belongs a fine not exceeding four pounds ; except such person shall make it appear to a justice of the peace before whom

whom the case shall be tried, that he is oppressed by such choice, or that others are unjustly exempted.

And be it further enacted by the authority aforesaid,
That if the inhabitants of any town in this state, having more than thirty families therein, shall neglect or refuse to choose any or either of the officers which by this act they are directed to choose, such town shall forfeit and pay to the treasury of the county in which such town lies, a sum not exceeding ten pounds for each officer so neglecting to be chosen; to be recovered by the county treasurer, by action of debt, complaint or information.

Towns refusing to choose town officers to pay fine &c

An act against high treason, and misprision of treason.

Passed March 8, 1787.

BE it enacted by the general assembly of the state of Vermont, That if any person or persons, belonging to or residing within this state, and under the protection of its laws, shall levy war against this state, or the government thereof; or knowingly and willingly shall aid or assist any enemies, at open war against this state, by joining their armies, or by instigating, or procuring others to enlist into such armies; or by furnishing such enemies with arms, ammunition, provisions, or other articles for their aid and comfort; or by carrying on a treacherous correspondence with them; or shall form, or be any way concerned in forming, any combination, plot, or conspiracy, for the betraying this state into the hands or possession of any enemy, state or power, or shall give or attempt to give, or send any intelligence to any state or power for that purpose; or shall conspire, or attempt any invasion, insurrection, or public rebellion, against this state; every person so offending, and being thereof convicted before the supreme court, shall suffer death.

Punishment of treason.

And be it further enacted by the authority aforesaid,
That if any person or persons, belonging to, or residing within this state, and under the protection of its laws, shall endeavour to join with enemies of this state, or use their influence to persuade or induce any person or persons to join, aid, comfort or assist them, in any way or manner whatsoever, or shall have knowledge of any person or persons endeavouring, or using their influence as aforesaid; or shall have knowledge of any person or persons secretly conspiring

Penalty for misprision of treason.

spiring or attempting any invasion, insurrection, or public rebellion against this state, or forming any secret combination, plot, or conspiracy for betraying this state into the hands of any other power, and shall conceal the same; such person or persons, being duly convicted thereof before the supreme court of this state, shall be punished by fine according to the nature and aggravation of the offence, and shall be imprisoned at the discretion of the said court, not exceeding ten years.

*Passed
March 8,
1787.*

*Penalty for
cutting
timber.*

An act for punishing of trespasses in divers cases, and directing proceedings therein

BE it enacted by the general assembly of the state of Vermont, That no person or persons shall cut, fell, destroy, or carry away, any tree or trees, timber or underwood whatsoever, standing, lying or growing on the land of any person or persons within this state, without leave of the owner or owners of such lands; or shall be aiding or assisting therein, on pain that every person so cutting, felling, and destroying, or carrying away the same, or that shall aid or assist therein, shall for every such trespass forfeit and pay to the party or parties injured or trespassed upon, the sum of ten shillings for every tree of one foot over, and for all trees of a greater dimension three times the value thereof, besides ten shillings as aforesaid, and five shillings for every tree or pole under that dimension.

Proviso.

Always provided, That the proprietors of common or undivided lands, in the respective towns, may grant liberty for the cutting or felling any tree or trees, or carrying away timber, wood or underwood, growing or lying on their common or undivided lands, under such regulations and restrictions, as they or the major part of them shall agree in their legal meeting; and if they shall see fit, may appoint and empower their agents or attorneys, in their place or stead, to prosecute any person or persons that shall trespass on their undivided lands, contrary to this act, and the like power is hereby also given to the inhabitants of the several towns in their respective town meetings, with respect to the timber, wood or underwood, growing or lying on lands within their townships, belonging to said town.

Provided also, and it is hereby enacted, That when the

the court or justice before whom any trial upon this act shall be had, shall be well satisfied that the defendant was guilty through mistake, and that he really believed the timber or trees cut, destroyed, or carried away as aforesaid, were when growing on his own or some other person's land where he had a right to cut, that in such case the defendant shall be sentenced to pay the plaintiff only the just value of the timber felled, taken away or destroyed and cost of suit.

Where defendant is guilty through mistake, to pay only real damages.

Provided also, That nothing herein contained shall authorize any person to recover more than the just value of any timber taken for the making or repairing roads or bridges, and costs.

Proviso.

Be it further enacted by the authority aforesaid, That if any person or persons shall unlawfully throw down, or leave open any bars, gates, fence or fences, belonging to or enclosing any common field, or any lands held in propriety or common, or belonging to any particular person or persons, he or they shall, for every such trespass, upon conviction thereof, forfeit and pay to the parties injured thereby, double damages and cost. That if any person or persons having their faces blacked, painted, or any way disguised, shall either by day or by night, commit any of the trespasses aforesaid, or shall beat or abuse any person or persons, and be thereof convicted by due course of law; such person or persons so trespassing, shall, over and above the damages aforesaid, pay a fine not exceeding thirty pounds, as the nature of the trespass may require.

Penalty for leaving down bars, &c.

Penalty for committing trespasses in disguise.

Be it further enacted by the authority aforesaid, That every person who shall set fire on any lands in this state, that shall run into any other person's land, such person or persons setting such fire, or who shall be aiding or assisting therein, shall pay and satisfy to the owner or owners of the lands, all damages that shall be done by reason of such fire, except he or they make it appear that the damages happened by inevitable accident.

Persons setting fire which runs into the land of others, to pay damages.

That every person or persons who shall unlawfully cut, or take away, any grass, corn or grain, growing, or without the leave of the owner, take or carry away any growing fruit, of what nature soever, or shall hurt, dig, pull up, or take away, any fruit trees, and the procurers or receivers of such persons

knowing

Penalty for cutting grass, &c. hurting fruit trees and taking fruits.

knowing the same, being thereof convicted before any court proper to try the same, shall be fined at the discretion of the court, according to the circumstances of the offence, not exceeding ten pounds.

*Passed
March 8,
1787.*

*Treasurer
to provide
weights
and mea-
sures.*

*Penalty for
neglect.*

*County
treasurer to
provide
weights
and mea-
sures to be
sealed by*

An act regulating weights and measures.

To the end that weights and measures may be one and the same throughout this state.

BE it enacted by the general assembly of the state of Vermont, That the treasurer of this state shall provide one complete set of weights and measures, necessary for the use of this state, according to the approved Winchester measure allowed in England, in the exchequer, namely, one half bushel, one peck, one half peck, one ale quart, one wine gallon, one two quart wine measure, one one quart, one pint, one half pint, one jill, and one half jill wine measure; one english ell, one yard; one set of iron weights, viz. one fifty six pound weight, one twenty-eight pound weight, one fourteen, one seven, one four, one two, one one pound weight, and a suitable scale and beam necessary for the use of the same; also one set of brass weights, from one ounce to four pounds, after sixteen ounces to the pound, with fit scales and steel beam, tried and approved according to said standard of Winchester; which shall be the public allowed standard throughout the state, for the approving & sealing all weights and measures; which weights and measures shall be provided by the treasurer, at the expence of this state. And if the treasurer shall neglect to procure all or any of the aforesaid weights, measures, scales, or beams, and notify the same in both the public newspapers of this state, within six months next after the passing of this act, he shall forfeit and pay thirty pounds, one half to him who shall prosecute the same to effect, before any county court in this state; the other half to the county treasurer where the same shall be tried; and shall in like manner forfeit thirty pounds for every six months he shall so neglect, after the first six months aforesaid.

And that each and every county treasurer within this state, at the expence of their respective counties, within six months after such notice published as aforesaid, shall provide all the aforesaid weights, measures, beams and scales, according to the standard abovementioned, approved and sealed by the treasurer

er

er of this state, and notify the same, by posting the same in the most public place in each town in their respective counties. And the selectmen of every town within this state, shall within six months next after such posting as aforesaid, provide, at the expense of the town, one half bushel, and one peck, of the following dimensions, viz. the half hushel in diameter within sides, not less than thirteen inches and three quarters of an inch, the pecks not less than ten inches and three quarters within sides, one half peck, one ale quart, one wine gallon, one two quart, one one quart, one pint, one half pint, one jill, and one half jill, wine measure; one english yard, one set of brass weights from one ounce to four pounds, avoirdupois weight, with scales and steel beam: all the above beams, scales, weights and measures, to be tried, approved and sealed, by the county treasurer, according to the aforesaid standard of Winchester, provided by the respective counties as aforesaid; which shall be kept only for standards.

And be it further enacted by the authority aforesaid, That all steelyards that are or shall be approved of by the standard, shall be allowed of in any towns in this state, and be at the liberty of both buyer and seller to weigh by.

And be it further enacted by the authority aforesaid, That all weights, measures, scales and beams, provided by the respective towns within this state as aforesaid, shall yerely and every year, be delivered to the sealer of weights and measures, who shall be chosen and sworn as the law of this state directs, in the several towns: and the sealer of weights and measures within every town in this state, shall post up a notification in writings, in the month of January, annually, requiring all and every person within their respective towns, to bring in to said sealer of weights and measures, all such weights and measures by which they respectively buy or sell; giving at least fourteen days notice of the time appointed for sealing as aforesaid: and the sealer of such weights and measures, may demand and receive from the owner of all weights and measures so tried, proved and sealed by the town seals, one penny for each weight or measure so sealed by him; which town seals shall be provided by the selectmen of their respective towns, at the expense and charge of the same.

the state treasurer.

Selectmen to provide weights and measures to be sealed by county treasurer

Approved steelyards allowed of

Weights &c. to be sealed annually.

Fee therefor.

And

*Penalty on
Selectmen
&c. for
neglect of
duty.*

And be it further enacted by the authority aforesaid,
That if the selectmen, or sealer of weights and measures, within any town in this state, or the treasurer of the respective counties within this state, do not execute this law so far as it doth appertain to each and every one of them; such delinquents shall forfeit and pay for every neglect, or the space of one month, the sum of twenty shillings; the one half for the use of the informer, and the other half for the use of the poor of the town where such delinquent lives, to be recovered by action or information, before any justice of the peace within the county where such default is found, who is hereby empowered to hear, try and adjudge the same.

*Penalty for
selling by
weights
and mea-
sures not
sealed.*

And be it further enacted by the authority aforesaid,
That if any person or persons within this state, shall twenty days after being notified by the sealer of weights and measures as aforesaid, sell or vend any wares, merchandise, or other commodities whatsoever, by any other beams, weights or measures but such as shall be proved and sealed as this act requires, the person so offending shall forfeit for each offence, not exceeding forty shillings; one moiety thereof for the use of the poor of the town where the offence shall be committed, the other moiety to the informer or him that shall prosecute for the same, to be recovered in manner as aforesaid.

*Weights,
&c. to be
tried every
ten years
and stamp-
ed.*

And be it further enacted by the authority aforesaid,
That all beams, weights and measures, kept for standards, in the several towns, shall be proved and tried every ten years, by the county standard: and all town standards shall be stamped with this mark, P. D.

*Penalty for
neglecting
to carry in
weights,
&c. to the
sealer by
the time.*

And be it further enacted by the authority aforesaid,
That if any person or persons shall neglect or refuse to carry in to the sealer of weights and measures, in any town within this state, in order to be sealed, any weights, measures, beams or scales, at the time appointed in manner as before mentioned in this act, it shall and may be lawful for the sealer and sealers of weights and measures, to demand and receive of such delinquent, who shall offer or present any weights, measures, scales or beams, at any other time than the time notified by said sealer, in manner as in this act beforementioned, the sum of six pence for every article so offered for sealing.

An act to encourage the destroying of wolves and panthers. *Passed Feb. 27, 1787.*

BE it enacted by the general assembly of the state of Vermont, That if any person shall kill and destroy any grown wolf or panther, within the bounds of this state he shall receive out of the public treasury of this state, three pounds, as a premium for every such wolf or panther; and for every wolf or panther's whelp that sucks, two pounds. *Premium for destroying wolf or panther.*

And every person or persons who shall kill or destroy any wolf, panther or whelp, shall carry the head thereof to a justice of the peace, one of the selectmen, or constables of the town wherein the same was killed; and if there should be no such authority in the town or place where the same shall be killed or destroyed as aforesaid, then to a justice of the peace, selectman, or constable of any town, in the same county, who shall cut off both ears from such head, and strictly examine such person or persons, where and how he or they obtained such head, and whether the same was killed within this state; and when the said authority is satisfied thereof, they shall certify the same to the treasurer of this state, who on receipt thereof is directed to pay the premiums as above directed. *Persons to carry the head to a justice, &c. who are to certify the same.*

And if any person shall take any wolf or panther out of any pit made to catch wolves, or out of any trap, thereby to defraud the owner or owners of such pit or trap, of his or their due, he shall pay to the owner or owners of such pit or trap, the sum of eight pounds for every wolf so taken out as aforesaid. *Penalty for taking a wolf out of a trap.*

An act prescribing forms of writs in civil causes.

BE it enacted by the general assembly of the state of Vermont, That the forms of writs in civil actions, in the several county courts in this state, shall after the publication hereof, as near as circumstances will admit, be as follows, viz. *Passed March 6, 1787.*

An ATTACHMENT.

To the sheriff of — county, his deputy, or either of the constables of —, in said county, Greeting. *Form of an attachment.*

BY the authority of the state of Vermont, You are hereby required to attach the goods, chattels, or estate, of A. B. of —, to the value of — pounds, lawful money, and him notify thereof according to law; and for want thereof to take his body

if to be found within your precincts, and him safely keep, so that you have him before *[here insert the stile of the court before which it is returnable, and the time and place of the court's sitting]* then and there to answer unto C. D. of —, *[here take in the declaration.]* To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just costs, the plaintiff brings this suit: (bonds for prosecution being first given) *[if the law so directs.]* Hereof fail not, but of this writ, and your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—.

J. P.

E. F. recognized in £— to the defendant, as surety for costs of prosecution, in due form of law, before me,

J. P.

S U M M O N S.

To the sheriff of — county, his deputy, or either of the constables of —, in said county, Greeting.

Summons.

BY the authority of the state of Vermont, You are hereby required to summon A. B. of —, to appear before *(here insert the stile of the court before which it is returnable, and the time and place of the court's sitting)* then and there to answer unto C. D. of —, *(here take in the declaration.)* To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just cost, the plaintiff brings this suit (bond for prosecution being first given) *[if the law so directs]*. Hereof fail not, but of this writ, with your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—.

J. P.

If bond for prosecution is given, the like minute is to be made of it as in case of an attachment, and signed.

E X E C U T I O N.

To the sheriff of — county, his deputy, or either of the constables of — in said county, Greeting.

Execution.

WHEREAS C. D. of —, on the — day of —, by the consideration of —, at —, recovered judgment against A. B. of —, for the sum of — pounds — shillings and — pence debt, (or damages if the case be so) and — pound — shillings and — pence cost of suit, as appears of record: whereof execution remains to be done.

These

THESE are therefore by the authority of the state of Vermont, I command you, that of the goods, chattels or lands of the said A. B. within your precincts, you cause to be levied, (and the same being disposed of as the law directs) paid and satisfied unto the said C. D. the aforesaid sums, being £— in the whole, with one shilling and sixpence more for this writ, and thereof also to satisfy yourself for your own fees: and for want of goods or chattels of the said A. B. to be by him shewn unto you, or found within your precincts, to the acceptance of the said C. D. for the satisfying the aforesaid sums, you are commanded to take the body of the said A. B. and him commit to the keeper of the goal in —, in the county aforesaid. within the said prison; who is hereby commanded to receive the said A. B. and him safely keep, until he pay the full sums abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not and make due return to me, according to law, within sixty days from this date. Dated at —, the — day of —, Anno Domini 17—.

J. P.

SUBPENA ad TESTIFICANDUM.

To

Greeting.

BY the authority of the state of Vermont, You are hereby required to summon A. B. C. and D. *Subpœna.* of —, to appear before (the name or stile of the justice or court, and time and place of sitting) to give evidence in an action of debt (or the case, or trespass, as the case shall be) then and there to be tried, between G. H. plaintiff, and I. K. defendant, on the part of the plaintiff, (or defendant as the case may be) and this neither of them may omit, under the pains and penalties in such case directed by law. Dated at —, the — day of —, Anno Domini 17 J. P.

WRIT OF REPLEVIN.

To the sheriff of — county, his deputy, or either of the constables of —, in said county. Greeting.

BY the authority of the state of Vermont, you are hereby required to cause to be replevied to A. B. of —, (the articles) now distrained or impounded by E. F. of —, and by him unjustly detained (as it is said) and deliver the said (the articles) unto the said A. B. and summon the said E. F. to appear before (the name of the magistrate or stile of the court, and time *Replevin.*)

if to be found within your precincts, and him safely keep, so that you have him before *[here insert the stile of the court before which it is returnable, and the time and place of the court's sitting]* then and there to answer unto C. D. of —, *[here take in the declaration.]* To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just costs, the plaintiff brings this suit: (bonds for prosecution being first given) *[if the law so directs.]* Hereof fail not, but of this writ, and your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—. J. P.

E. F. recognized in £—— to the defendant, as surety for costs of prosecution, in due form of law, before me, J. P.

S U M M O N S.

To the sheriff of — county, his deputy, or either of the constables of —, in said county, Greeting.

Summons.

BY the authority of the state of Vermont, You are hereby required to summon A. B. of —, to appear before *(here insert the stile of the court before which it is returnable, and the time and place of the court's sitting)* then and there to answer unto C. D. of —, *(here take in the declaration.)* To the damage of the plaintiff, as he says, the sum of — pounds; for the recovery whereof, with just cost, the plaintiff brings this suit (bond for prosecution being first given) *[if the law so directs.]* Hereof fail not, but of this writ, with your doings herein, make due return according to law. Dated at —, the — day of —, Anno Domini, 17—. J. P.

If bond for prosecution is given, the like minute is to be made of it as in case of an attachment, and signed.

E X E C U T I O N.

To the sheriff of — county, his deputy, or either of the constables of — in said county, Greeting.

Execution.

WHEREAS C. D. of —, on the — day of —, by the consideration of —, at —, recovered judgment against A. B. of —, for the sum of — pounds — shillings and — pence debt, *(or damages if the case be so)* and — pound — shillings and — pence cost of suit, as appears of record: whereof execution remains to be done.

These

THESE are therefore by the authority of the state of Vermont, I command you, that of the goods, chattels or lands of the said A. B. within your precincts, you cause to be levied, (and the same being disposed of as the law directs) paid and satisfied unto the said C. D. the aforesaid sums, being £— in the whole, with one shilling and sixpence more for this writ, and thereof also to satisfy yourself for your own fees: and for want of goods or chattels of the said A. B. to be by him shewn unto you, or found within your precincts, to the acceptance of the said C. D. for the satisfying the aforesaid sums, you are commanded to take the body of the said A. B. and him commit to the keeper of the goal in —, in the county aforesaid. within the said prison; who is hereby commanded to receive the said A. B. and him safely keep, until he pay the full sums abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not and make due return to me, according to law, within sixty days from this date. Dated at —, the — day of —, Anno Domini 17—.

J. P.

SUBPÆNA ad TESTIFICANDUM.

To

Greeting.

BY the authority of the state of Vermont, You are hereby required to summon A. B. C. and D. *Subpæna.* of —, to appear before (the name or stile of the justice or court, and time and place of sitting) to give evidence in an action of debt (or the case, or trespass, as the case shall be) then and there to be tried, between G. H. plaintiff, and I. K. defendant, on the part of the plain-iff, (or defendant as the case may be) and this neither of them may omit, under the pains and penalties in such case directed by law. Dated at —, the — day of —, Anno Domini 17 J. P.

WRIT OF REPLEVIN.

To the sheriff of — county, his deputy, or either of the constables of —, in said county. Greeting.

BY the authority of the state of Vermont, you are hereby required to cause to be replevied to A. B. *Replevin.* of —, (the articles) now distrained or impounded by E. F. of —, and by him unjustly detained (as it is said) and deliver the said (the articles) unto the said A. B. and summon the said E. F. to appear before (the name of the magistrate or stile of the court, and time

time and place of its sitting) then and there to answer unto the said A. B. in a plea of replevin; for that the said E. F. on the — day of —, at — aforesaid, took (*the articles*) and them unjustly detained, at — aforesaid, against pledges and sureties, until this time, to the damage of the plaintiff — pounds lawful money; and therefor, with just costs, he brings this suit (the plaintiff having given sufficient surety to prosecute this action to effect; and make return of the said goods, if a return thereof shall be awarded.) Hereof fail not, but make due return of this writ, with your doings thereon, according to law. Dated at —, the — day of —, Anno Domini, 17 J. P.

B. S. recognized in due form,

in £—, before me,

J. P.

WRIT OF EJECTMENT.

To the sheriff of — county his deputy or either of the constables of —, in said county, Greeting.

B*Y the authority of the State of Vermont, You are hereby required to summon A. B. (the casual ejector) to appear at the county court, to be held at*

Ejectment.

—, in and for the county of ----, on the ---- Tuesday in ----, then and there to answer unto C. D. of ----, in plea of trespass and ejectment, wherein the plaintiff complains that E. F. of ----, [the lessor of the plaintiff], on the — day of —, Anno Domini —, at --- aforesaid, had demised, granted, and to farm letten, to the plaintiff, [*describing the land*] with appurtenances, situate and being at — aforesaid, and now or late in the tenure or occupation of G. H. of ---, [the tenant in possession] or his assigns. *To have and to hold* the said messuage and tenements, with the appurtenances, to the said E. F. and his assigns, from the ---- day of --- then last past, to the full end and term of --- years, from thence next ensuing, and fully to be compleat and ended. By virtue of which demise, the said plaintiff entered into the tenements aforesaid, with the appurtenances, and was thereof possessed, until the aforesaid A. B. afterwards, to wit, on the --- day of ----, Anno Domini 17---, with force and arms, entered into the tenements aforesaid, with the appurtenances, (in and upon the possession of the plaintiff) and ejected, expelled and removed the plaintiff from his said farm, (his said term not being yet ended) and kept out, and still keeps out the plaintiff from his possession aforesaid,

foresaid : and then and there did other injuries to the plaintiff, against the peace, and to the damage of the plaintiff ----- pounds lawful money ; and to recover the possession of the said premises, with the said damages, and just costs, the plaintiff brings this suit. Hereof fail not, and of your doings herein, make due return according to law. Dated at ----, the --- day of ----, Anno Domini 17----

Notice to be given to the tenant in possession.

SIR,

(The date).

I am informed that you are in possession of, or claim title to the premises, in this declaration, or writ of ejectment mentioned, or to some part thereof ; and I being sued in this action as a casual ejector, and having no claim or title to the said premises, do advise you to appear at the county court, to be holden at ---, in & for the county of ---, on the --- Tuesday in ---, and then & there by rule of the same court, to cause yourself to be made defendant in my stead, otherwise I shall suffer judgment to be entered against me, and you will be turned out of possession.

Notice to tenants in possession.

Your loving friend,

A. B.

To mr. G. H. tenant in possession of)
the premises, or some part thereof.)

Writ of FACIAS HABERE POSSESSIONEM and
FIERI FACIAS.

To the sheriff of — county, his deputy, or either of the
constables of —, in said county, Greeting.

WHEREAS C. D. of E. before [here mention
the stile of the court and the time and place of
its sitting] by the consideration of the said court, recovered against A. B. of —, his term yet to come, of and in [as in the declaration] with the appurtenances, situate and being in P. in the said county ; which the said A. B. had unjustly withheld, put out, or removed the said C. D. from his possession thereof ; and also at the said court recovered judgment for —, for costs and damages, which he sustained by reason of the same, as appears of record ; whereof execution remains to be done.

*Writs of
possession &
execution.*

BY the authority of the state of Vermont, You are therefore hereby commanded, that without delay, you cause the said C. D. to have his possession of his term aforesaid, yet to come, of and in the tenements aforesaid, with the appurtenances. And that

of

of the goods, chattels or lands of the said A. B. within your precincts, you cause to be levied; paid and satisfied unto the said C. D. the aforesaid sum of —, which to the said C. D. was adjudged for his costs and damage, and one shilling and six pence more for this writ, and thereof also to satisfy yourself for your own fees; and for want of goods or chattels of the said A. B. to be by him shewn unto you, or found within your precincts, to the acceptance of the said C. D. for the satisfying the aforesaid sums, you are commanded to take the body of the said A. B. and him commit to the keeper of the goal at —, in the county aforesaid, within the said prison, who is hereby commanded to receive the said A. B. and him safely keep, untill he pay the full sums abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not, and make due return to me, within sixty days from the date of this writ, and your doings therein. Dated at —, the — day of —, Anno Domini 17

T. G. clerk of said court.

Writ of SCIRE FACIES quare EXECUTIONEM non-pot ANNUM.

Scire facias To the sheriff of — county, his deputy, or either of the constables of —, in said county, Greeting

WHEREAS C. D. of —, before [the stile of the court and time and place of its sitting] by the consideration of the said court [or justice] recovered against A. B. of —, the sum of —, debt [or damages] and also — costs and charges, by him about his suit in that behalf expended, whereof the said A. B. is convicted, as appears of record: and although judgment be thereof rendered, yet execution for the said debt [or damages] and costs, yet remains to be made: whereof the said C. D. hath supplicated a proper remedy to be provided for him, in that behalf. To the end therefore that justice may be done, you are hereby required, by the authority of the state of Vermont, to make known to the said A. B. that he be before [the stile of the court, and time and place of its sitting] to show cause, if any he have, wherefore the said C. D. ought not to have his execution against him the said A. B. for his debt, (or damages) and costs aforesaid: and further to do and receive that which the said court, (or justice) shall then consider of him in this behalf. Hereof fail not, and make due re-

turn

turn of this writ, with your doings herein, according to law. Dated at — the — day of —, Anno Domini 17 J. P.

That a summons and declaration, in an action of account on book, before the county court, shall be, as near as circumstances will admit, in the form following, viz

To the sheriff of the county of —, his deputy, or either of the constables of —, in said county, Greeting.

BY the authority of the state of Vermont, You are *Summons in account on book.* hereby required to summon A. B. of G. to appear before *[the stile of the court, and time and place of its sitting]* then and there to answer to C. D. of H. in a plea that he render to the plaintiff the sum of —, which he justly owes by book to balance book accounts, as by the plaintiff's book, ready in court to be shown, may appear; nevertheless the defendant hath refused, and still doth refuse, to render to the plaintiff his reasonable account, or to pay the balance thereupon due, although often thereunto requested, which is to the damage of the plaintiff the sum of —; and therefor, with just costs, he brings this suit. Hereof fail not, but of this writ with your doings thereon make due return. Dated at —, the — day of —, Anno Domini 17—. J. P.

A SUMMONS before a JUSTICE.

To either of the constables of —, in the county of —. Summons

BY the authority of the state of Vermont, You are *before a justice.* hereby commanded to summon A. B. of —, in the county of —, to appear before me, at —, on the — day of —, at — o'clock in the — noon, to answer unto C. D. of —, in an action upon bond *[bill, note, promise, book, &c. &c. as the case may be]* to the damage of the plaintiff £—. Hereof fail not, and of your doings herein, with this precept, make due return according to law. Given under my hand, this — day of —, 17—. J. P.

A WARRANT or ATTACHMENT before a JUSTICE.

To either of the constables of —, in the county of —.

BY the authority of the state of Vermont, You are hereby commanded to apprehend the body of *Attachment* A. B. of —, *[or to attach the goods chattels, or estate before a of A. B. of —, as the case may be]* and have him *justice, or before me, at — on the — day of —, at warrant. — o'clock in the — noon, [or forthwith in criminal*

criminal cases] to answer to C. D. of -----, in an action [*as in the summons.*]

Passed
March 8,
1787.

No person
take more
than 6 per
cent. for
usury.

Penalty for
taking more
than 6 per
cent.

Proviso.

Defendant
may file his
bill in equi-
ty.

An act to restrain the taking of excessive usury.

BE it enacted by the general assembly of the state of Vermont, That no person or persons whatsoever, upon any contract hereafter to be made, shall take directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatsoever, more than the value of six pounds for the forbearance of one hundred pounds for a year; and so after that rate for a greater or less sum, or for a longer or shorter time. And that all bonds, contracts, mortgages and assurances whatsoever, hereafter to be made, for the payment of any principal or money lent, or covenanted to be lent, upon or for usury, whereupon or whereby, there shall be reserved or taken, more than the rate of six pounds on the hundred as aforesaid, shall be utterly void.

And any person whatever, who shall upon any contract take, accept or receive, by ways or means of any corrupt bargain, loan, exchange; or by covin or deceitful conveyance, or by any other ways or means whatever, for the forbearing or giving day of payment for one whole year, of and for their monies or other thing or things, above the sum of six pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or less sum, or for a longer or shorter time, shall forfeit and pay for every such offence the full value of the goods and monies, or other thing so lent, exchanged, bargained, sold, or agreed for; one moiety thereof to the public treasury of this state, the other moiety to the informer, that shall sue for and prosecute the same to effect.

Provided nevertheless, That nothing in this act shall extend to the letting of cattle or other usages of the like nature in practice among farmers, or maritime contracts, bottomry or course of exchange, as hath been heretofore and still is accustomed.

And when the defendant in any action at law, on such bond, bill, mortgage, note or other instrument, shall suppose no sufficient evidence in law can be produced, of the usury therein contained, it shall be lawful for the defendant in such action to inform the court before which such action is brought, by filing his bill in equity, with the clerk of such court, on
the

the second day of the court's sitting, that such bond, bill, mortgage, note, or other instrument, is usurious and oppressive, and the court shall proceed to examine the parties on oath, or in any other way proper for a court of equity. And if the plaintiff shall refuse to be examined on oath, he shall be nonsuit, and the defendant shall recover his costs.

And court to examine the parties on oath,

And if on trial the court shall find such bond, bill, note, mortgage, or other instrument, usurious and oppressive, they shall adjust the same in equity; and shall give judgment that the plaintiff shall recover no more than the just value of the goods, &c. sold, or than the principal sum which the defendant received of the plaintiff, without any interest or advance thereupon.

And adjust the same in equity.

Provided, That nothing in this act shall be construed to prevent any person from proceeding, on full evidence, against excessive usury, and usurious contracts, either in defending or recovering thereon, as is before in this act provided.

Provido.

ACTS AND LAWS,

Passed by the legislature of the state of
VERMONT, at their session at
Newbury, the second Thursday
of October, 1787.

An act for establishing a county grammar school at
Castleton, in the county of Rutland.

*Passed Oct.
15. 1787.*

BE it enacted by the general assembly of the state of
Vermont, That the place for keeping a county
grammar school, in and for Rutland county, shall
be at the house commonly known by the name of the
New School house, near doctor William Woolcott's,
in said Castleton.

*Rutland
county
grammar
school to be
at Castleton
Provido.*

Provided, That the county of Rutland shall not
be at any cost or charge in completing or repairing
the same.

An act for supporting ministers of the gospel.
WHEREAS it is of importance to the community,
as well as to individuals, that the precepts of christi-

*Passed Oct.
18. 1787.
Preamble.*

C c

trianity,

tionity, and rules of morality, be publicly, and at stated times, inculcated on the minds of the inhabitants: Therefore,

*Proceed-
ings bind-
ing.*

*May elect
collectors.*

BE it enacted by the general assembly of the State of Vermont, That whenever any number or description of persons, not included in any corporated towns, shall voluntarily associate, and agree to hire or settle a minister of the gospel, or to build a house for public worship; all contracts made by such persons with such minister, or with each other, for the purposes aforesaid, shall be valid and binding, to all intents and purposes. And whenever any such number of persons shall agree to raise money by subscription, or upon the list of the polls and rateable estates of the persons associating, it shall be lawful for the associators to elect, from time to time, one or more meet persons to collect the same; who shall be invested with the like powers, and be liable to be proceeded against in like manner, as collectors of town rates by law are.

*Inhabitants
of organi-
zed towns
how to pro-
ceed.*

And be it enacted by the authority aforesaid, That whenever the inhabitants of any town or parish, shall think themselves able to build a meetinghouse for the public worship of God, or settle a minister, it shall be the duty of the town or parish clerk, on application of seven freeholders of such town or parish, to warn a town or society meeting, mentioning the time and place, and matter to be debated, giving twelve days notice, by posting the same at the most public place or places in said town or parish; and that two thirds of the inhabitants of such town or parish, who shall meet agreeable to such warrant, being legal voters, and of a similar denomination of christians, are hereby authorized to appoint a place or places for the public worship of God, and fix on a place or places to build a house or houses for such worship, and vote a tax or taxes sufficient to defray the expenses of such building or buildings; and also to hire, or otherwise agree with, a minister to preach in such town or parish, either to supply such place with preaching as the settled minister thereof, or on probation for settlement: and further to vote such minister such settlement and annual support, in money or otherwise, as shall be agreed upon between such minister and people, and as shall be found necessary; to be assessed on the polls and rateable estates

states of persons living, and estates lying, within the limits of such town or parish.

Provided, No person shall be obliged to pay any such tax or taxes, or any part thereof, or his estate taken therefor, who is herein after described and exempted. *Proviso.*

Provided also, That no vote, for the purposes aforesaid, shall be deemed legal and binding on such inhabitants as are not by law exempted as aforesaid, unless there shall be at least twentyfive legal voters in the affirmative. *Proviso.*

And if the inhabitants of any town or parish shall agree to build a house for public worship, agreeable to the tenor of this act, but shall not agree on a place to erect the same, it shall be the duty of the county court of the same county, upon the petition of not less than seven substantial freeholders of such town or parish, to appoint an indifferent committee, at the discretion of such court, and cost of such town or parish, to view attentively such town or parish, and find out the most convenient place for erecting such building, and there to set up stakes, and acquaint the clerk of such town or parish therewith, who shall make a record thereof: and such committee shall report their doings to the court which appointed them, who shall examine such report; and, if found to be most for the benefit of the inhabitants of such town or parish, shall establish the same. *If unable to agree on a place for a house of worship, county court to appoint a committee.*

Be it further enacted by the authority aforesaid, That every person, being of adult age, shall be considered as being of opinion with the major part of the inhabitants of such town or parish where he, she, or they dwell, until he, she, or they, shall bring a certificate, signed by some minister of the gospel, deacon, or elder, or the moderator of the church or congregation to which he, she, or they, pretend to belong: which certificate shall make known the party to be of the religious sentiments of the signer thereof: and until such certificate shall be shewn to the clerk of such town or parish, (who shall record the same) such party shall be subject to be rated, and pay all such charges with the major part, as by law shall be assessed on his, her, or their poll or rateable estate. *Certificate required.*

Town or parish clerk to record certificates.

Provided always, That nothing herein contained shall be construed to alter, or make void, any contract. *Proviso.*

tract or agreement for the settlement or support of a minister, heretofore made or entered into.

Passed Oct An act directing the return of processes to Windham
19, 1787. county court.

BE it enacted by the general assembly of the state of Vermont, That after the session of Windham county court in November next, all writs and processes to be issued, returnable to the said court in June term 1788, shall be returnable at Newfane, in said county: and that all recognizances taken for the appearance of any person in said June term, before said court, shall be returnable at the same place.

Passed Oct An act regulating the choice of a surveyor general.
19, 1787.

*How to be
elected,
and when.*

BE it enacted and declared by the general assembly of the state of Vermont, That the surveyor general of this state shall be annually appointed, by the governor, council, and general assembly of this state, in their October session, (and, in case of a vacancy in said office, in any other session) and commissioned by his excellency the governor, until the rising of the general assembly at their next stated session.

*How in
case of va-
cancy.*

And that whenever a vacancy shall happen in said office, in the recess of the legislature, the same (if it shall be thought necessary by the governor) shall be filled by the governor and council, by appointing a person to serve in that office until the rising of the then next session of the legislature.

Passed Oct An act to annex the town of Kingston to Addison
19, 1787. county.

BE it enacted by the general assembly of the state of Vermont, That the town of Kingston, in Orange county, be, and hereby is, annexed to, and shall for the future be considered and esteemed as a part of, Addison county.

Passed Oct An act for dividing the county of Addison, forming
22, 1787. a new county, and ascertaining the times and places of holding courts in Addison and Chittenden counties.

*Chittenden
county for-
med.*

BE it enacted by the general assembly of the state of Vermont, That there be one entire and distinct county formed within this state, by the name of Chittenden county, bounded as followeth, viz. Beginning

ginning at the southwest corner of the town of Charlotte—thence running east, on the north line of Ferrisburgh, and Monkton, to the northeast corner thereof—thence running south, on the east line of Monkton, to the north line of Poxcock—thence east, to the northeast corner of said Poxcock—thence south, to the northwest corner of Lincoln—thence running the most direct course east, and eastwardly, between the towns, on town lines, until it intersects the west line of Orange county—thence running northwardly on said line, to the north line of this state—thence running west, on the north line of this state, to the northwest corner thereof—from thence running southwardly, by the deepest channel of lake Champlain, until it intersects a west line from the southwest corner of Charlotte—thence east to the bounds began at.

Be it further enacted by the authority aforesaid, That the supreme court be held on the first Tuesday of August; and the county courts on the last Tuesday of February, and second Tuesday of November annually, at Colchester, in said county, for the time being.

Be it further enacted by the authority aforesaid, That all causes that are adjourned in the county court, in the county of Addison, and all writs that have been or may be served until the fourth day of November next that are or may be returnable to the county court of Addison county, at Colchester, be returned, heard, & determined, in the county court, to be holden in Addison, in and for the county of Addison, on the second Tuesday of November next: and that the time and place for holding courts in said county of Addison, after the said second Tuesday of November next, be as followeth, viz That the supreme court be held on the second Tuesday of August, annually; and the county courts on the last Tuesday of September, and first Tuesday of March, annually, at Addison, for the time being.

And be it further enacted by the authority aforesaid, That all causes which shall be appealed from the county court of Chittenden county, shall be heard and determined by the supreme court, in Addison county, until the further order of the legislature.

Bounds.

Times & places of courts sitting.

What causes to be tried in Addison.

Times and places for holding courts in Addison county

Causes appealed in Chittenden county where to be tried.

Passed Oct 24, 1787. An act appointing a paymaster-general, and ascertaining the business of his office.

Paymaster gen to be appointed **B**E it enacted by the general assembly of the state of Vermont, That there be appointed, by the governor, council, and general assembly, (to hold his office during their pleasure) a paymaster-general of all the troops and militia of the state, whose duty it shall be to receive from the regimental paymasters, and others, all rolls made for actual service done, examine and approve the same; and having so received, examined, and approved such rolls, shall draw orders on the treasury for such sums as he shall find due for any services done within one year before passing this act, or hereafter to be done, by the militia of this state.

His duty.

To keep accounts of his proceedings. And be it further enacted, That the paymaster-general shall keep fair accounts of all proceedings, and present to the treasurer of the state a duplicate thereof, some time previous to the session of the assembly in the month of October, annually.

Accountable to the treasurer. And be it further enacted, That the paymaster-general shall be accountable to the treasurer of the state, for the faithful performance of his office and duty.

Passed, Oct 24, 1787. An act for granting a tax of sixpence on the pound. FOR defraying the debts of this state, and supporting government

A tax granted of 6d. on the pound. **B**E it enacted by the general assembly of the state of Vermont, That there be, and is hereby granted, a tax of sixpence on the pound, on the list of the polls and rateable estates of the inhabitants of this state, taken in this present year of our Lord 1787: and that the same be payable to the treasurer of the state, on or before the first day of February next, in hard money, hard money orders, state's notes, or orders issued by the supreme court.

Passed Oct 25, 1787. An act directing the return of processes to Windsor county court.

BE it enacted by the general assembly of the state of Vermont, That after the session of Windsor county court in October instant, all writs and processes to be issued, returnable to the said court, in May term 1788, shall be returnable at Woodstock, in said county; and that all recognizances, taken for

for the appearance of any person in said May term, before said court, shall be returnable at the same place.

An act for ratifying the services made by the deputy sheriffs of the county of Addison. *Passed Oct 25, 1787.*

WHEREAS the late sheriff of the county of Addison, at the beginning of this session, resigned his said office; by means whereof services of writs and executions made by his deputies, may be void in law, and many inconveniencies may arise thereon: *Preamble.*

Therefore,

BE it enacted by the general assembly of the state of Vermont, That the service of all writs, and other acts done by the deputy sheriffs in the county of Addison, in the execution of their office, since the resignation of the said sheriff, and before the fifth day of November next, shall be as good and effectual in law, as if the said sheriff had not resigned his said office: any law to the contrary notwithstanding *Acts of deputy sheriffs in Addison county made valid.*

An act for the purposes therein specified. *Passed Oct 25, 1787.*

WHEREAS, several sums of money remain due on taxes, for want of the return of the names of first constables of some towns: *Preamble.*

BE it enacted by the general assembly of the state of Vermont, That the treasurer be, and he is hereby, directed to publish, in both the newspapers in this state, the names of the towns that have been taxed before the year 1785, and are in arrear for taxes, with this act, and the year in which such arrearage has accrued: and the selectmen of such town are directed, in three months after such publication, to make return of the names of each first constable in such town that has been taxed as aforesaid, in the year in which such arrearage accrued, to the treasurer. And in case of any such selectmen refusing or neglecting to make such return, in that case the treasurer is hereby authorized and directed, to issue his extent against such selectmen, for the sum or sums that may remain due on any tax granted before the year 1785. *Treasurer to publish the names of towns in arrear for taxes before 1785, &c.*

An act to repeal part of an act therein mentioned. *Passed Oct. 25, 1787.*

WHEREAS, such part of an act, passed March 9, 1787, entitled, "an act directing what money shall *Preamble.*

shall be a legal currency in this state, and at what rate the same shall pass," as relates to copper coin is found will be attended with great inconvenience, and injustice if permitted to be in force :

BE it therefore enacted by the general assembly of the state of Vermont, That to much of the act above-mentioned, as relates to the currency of copper coin in this state, be, and is hereby, repealed, and declared to be of no force or effect.

The act so far as relates to copper coin repealed.

An act authorizing the selectmen of the several towns in this state to improve the glebe and society lands, and the annual appointment of certain persons to direct the allotment of the college rights.

Passed Oct. 26. 1787.

BE it enacted by the general assembly of the state of Vermont, That the selectmen of the several towns in this state, be & they hereby are fully authorized, empowered and directed, for and during the full term of the present septenary, to take the care and inspection of the glebe and society lands in their respective towns. And for the better improvement of said lands it shall be the duty of the said selectmen to see that the said lands are allotted agreeable to law, and at their discretion to let the said lands by lease, for and during the term aforesaid, for such rents and services as the said selectmen shall judge will best promote the value of said lands.

The selectmen directed to take care of the glebe and society rights.

And the said selectmen shall receive an adequate reward for said services, to be paid out of the avails of the improvement of said lot or right, within the town where said selectmen may live respectively, to be taxed by one or more justices of the peace, within said town.

Their duty therein.

To be paid out of the avails.

And whereas sundry persons have taken possession of the said lands, without any legal title or claim thereto :

Preamble.

Therefore,

BE it enacted by the authority aforesaid, That in such cases it shall be the duty of the said selectmen of the town in which the said land shall be situate, and wrongfully claimed and possessed as aforesaid, to demand of the person or persons so in possession as aforesaid, the peaceable possession of the same, and every part and parcel thereof, and on refusal of the possessor or possessors to deliver the possession as aforesaid, the said selectmen, are hereby fully authorized and empowered to eject and oust the possessor or possessors

To demand land claimed, & eject the possessors.

seffors aforesaid by writ of ejectment, or other possessory action, to be commenced and prosecuted by the said selectmen, in the name of the state of Vermont, before any court proper to try the same,

Provided nevertheless, That nothing contained in this act shall extend so far as to prevent any episcopal ministers, during the time of their ministry, that now are, or hereafter may be, in possession of any glebe, lot or right, or actually officiating in said town, where the land lies, and is an ordained minister of the episcopal church, from having the management of such lots, and the avails arising therefrom, during the present septenary. *Provide.*

And be it further enacted by the authority aforesaid, That annually and every year, during the present septenary, there shall be one person appointed, by the general assembly, in the several counties in this state whose duty it shall be to take the charge and inspection of all lands appropriated by charter for the erecting a college or university in this state, and to allot and lease out the said lands for the benefit of the institution, as the governor and council shall direct; who shall be allowed a reasonable compensation for their services: to be taxed by the governor and council, and paid out of the avails of the improvements of said lands, which are now or hereafter may be made on said lands. *One person in each county to be appointed to take care of college lands*

An act for the appointing of commissioners for the purpose of locating grants of land not yet chartered. *Passed Oct. 26, 1787.*

WHEREAS great inconvenience and difficulty have arisen in locating such grants of land as were made without actual survey, and disputes have arisen thereon. *Preamble.*

BE it enacted by the general assembly of the state of Vermont, That seven commissioners (any five of whom shall make a quorum) be appointed by the joint ballot of the governor, council, and general assembly, to continue in office one year from the rising of this session of assembly, to meet at a time and place the general assembly shall appoint: which commissioners are hereby empowered to hear the claims to all grants of land already made, which are not described by any explicit boundaries, and for which charters of incorporation have not already been issued. *Seven commissioners to be appointed*

Their power.

and to determine the location and boundaries thereof ; having respect to the priority of said grants, and the intention of the legislature in granting, as nearly as may be.

And said commissioners are hereby empowered to hear and determine all and every dispute between different proprietors, claiming the same tract of land under different grants, for which no charter of incorporation has already been issued.

Provided,

Said commissioners shall have no power to hear or determine any disputes respecting any grants for which the general assembly, at their present session, have requested, or shall request, the governor and council to issue a charter or charters of incorporation.

Secretary to give notice.

And be it further enacted by the authority aforesaid, That the secretary of state give notice of the time and place of the meeting of said commissioners, by notifying to all persons concerned (to attend by themselves, or their agents, at said time and place) in both the newspapers printed in this state, six weeks successively, at least two months before the day of their meeting. And when said commissioners shall have heard all the said claims to grants of land, as aforesaid, they are directed to make return of their judgment or decree on the premises, to the governor and council : which judgment or decree of said commissioners shall be conclusive between the parties.

Commissioners to report to the governor and council,

who are to issue charters accordingly.

And when said commissioners shall have made such return, the governor and council are empowered and directed to issue charters of incorporation accordingly without any further order of the legislature.

Secretary, &c. to attend.

And said commissioners are hereby authorized to call on the secretary of state, and surveyor general to attend with all such papers and charts, as shall be judged necessary.

Their power where two grants cover the same land.

Be it further enacted by the authority aforesaid, That if it shall appear to said commissioners, that any two or more grants cover the same tract of ground, the said commissioners are empowered to locate any of said grants, which they may suppose do not hold said tract, covered by said different grants, on any land which may be vacant, after all grants prior to them shall be located.

And

And no person shall be capable of being appointed a commissioner who is in any way interested, either personally, or in consequence of his standing in the relation of father, son or brother, to any person who is in any way interested, in any of said grants. *No interested person to be appointed.*

And be it further enacted by the authority aforesaid, That the said commissioners, before they enter upon the business of their appointment, shall take and subscribe the oath of office as directed in the constitution. *Commissioners to be sworn.*

Be it further enacted by the authority aforesaid, That when any matter be determined as aforesaid at the request of any proprietors, or their agents, the said commissioners shall assess such costs in the cause, as to them shall appear just and reasonable; which costs shall be paid to the commissioners, by the party or parties, according to the assessment of said commissioners, before the party or parties shall avail themselves of any benefit from the judgment or decree of the commissioners. *May tax costs.*

An act for levyying a county tax in the county of Windsor. *Passed Oct. 26. 1787.*

WHEREAS it appears to this assembly, that the treasure of the county of Windsor is considerably in debt, by expenses accruing in building a gaol, and for services performed by the several officers of said county: Therefore, *Preamble.*

BE it enacted by the general assembly of the state of Vermont, That a tax of one penny halfpenny on the pound, be granted on the lists of the polls and rateable estates of the inhabitants of the county of Windsor, for 1787, to be paid in notes issued by the treasurer of said county, or in hard money; to be collected and paid into the treasury of said county by the first day of January next. *A county tax of 1d. halfpenny granted.*

And be it further enacted by the authority aforesaid, That the treasurer of said county shall have the same power in issuing warrants and extents, for the collection of said tax, within said county, as is by law given to the state treasurer. And that the first countable of the respective towns be empowered to proceed in the collection of said tax, in the same manner as they are with respect to state taxes. *Treasurer's power.*

And be it further enacted by the authority aforesaid, That the county court for the county of Windsor, be *County courts to*

*draw or-
ders.* be empowered to examine all such accounts, and draw orders on the county treasury for such sums as shall be found due.

*Passed Oct
26, 1787.* An act for distributing the laws of the general assembly of this state.

*The print-
ers to send
the acts to
the several
sheriffs.* **B**E it enacted by the general assembly of the state of Vermont, That the printers to this commonwealth, at the expence of the state, shall cause to be delivered to each sheriff in this state, for the use of the several officers herein after described, within their respective counties, one copy of the revised acts, and of the acts passed this session, and hereafter to be passed, viz. one copy to the governor, one to the lieutenantgovernor, one to each member of council, one to their secretary, one to the treasurer of the state, one to the secretary of the state, one to the clerk of the general assembly, one to the surveyorgeneral, one to each of the committee for revising the laws, one to each judge and clerk of the supreme and county courts, one to each judge of probate, one to each justice of the peace, and one to each town clerk, for the use of the inhabitants of their respective towns. And the said sheriffs are directed to sell one copy of the revised laws to each of the beforementioned officers if applied for, at the price of nine shillings in hard money orders, for each copy. And said sheriffs are directed to account to the treasurer of this state for the avails of said sales.

for whom.

*sheriffs to
sell. &c.*

Proviso. *Provided,* That none of the officers beforementioned shall, by virtue hereof, receive more than one copy of the laws.

*Passed Oct
26, 1787.* An act suspending the operation of the revised laws, passed the last session of the legislature, until the first day of December next.

Preamble. *WHEREAS* it has not been in the power of the printers, to complete the printing and binding the revised laws of this state, in order to their being seasonably dispersed among the people, at this present session of assembly.

*The force
of the re-
vised acts
suspended.* **B**E it therefore enacted by the general assembly of the state of Vermont, That the force and operation of the revised laws passed by the legislature of this state at their last session, (except an act, entitled, "an act limiting the time of holding county offices therein

therein mentioned," and an act, entitled, "an act for authenticating and registering deeds and conveyances," be, and hereby are, suspended until the first day of December next.

Be it further enacted by the authority aforesaid, That The former the force and operation of all the laws of this state, *acts continued in* now in force, be continued until the first day of December next. *force.*

An act for the limitation of actions brought against sheriffs, undersheriffs and constables, for certain matters in the execution of their offices. *Passed Oct. 26. 1787.*

WHEREAS actions are often brought against sheriffs, undersheriffs and constables, in certain matters in the execution of their offices, so long after the term in which the cause of action accrued, that evidence of settlements are not to be procured; so that much injury may happen to the parties concerned. Therefore, *Preamble*

BE it enacted by the general assembly of the state of Vermont, That all actions which may be brought against any sheriff, undersheriff, or constable, in matters relating to the execution of their offices, (except where the state, county or town, where such sheriff, undersheriff, or constable dwells, is a party) be prosecuted (if the cause of action shall have accrued before the passing of this act) within two years from the passing hereof, and not after; and if any such cause of action shall accrue after the passing of this act, then the same shall be prosecuted (except where the state, county or town, where such sheriff, undersheriff, or constable dwells, is a party) within two years after such cause of action shall accrue and not after. *of actions against sheriffs, &c. on receipts and for escapes.*

Provided, That this act shall not extend to any actions, other than such as shall be commenced upon receipts given, or which may be given, by any sheriffs, undersheriffs or constables, or for escapes; any thing in this act to the contrary notwithstanding. *Provided*

An act, in addition to an act, entitled, *An act for collecting and paying rates.* *Passed Oct. 20, 1777.*

BE it enacted by the general assembly of the state of Vermont, That the several collectors of state taxes, in the collection of all rates hereafter to be made on the grand list of this state, shall levy distress on personal and property. *Distress for state taxes to be levied on personal and property.*

If none to be found, how, &c. and sale on the personal property of the owner of the estate taxed, if to be found within the town in which the collector lives; and if no such property of the owner can be found within the said town, and lands are to be sold for the tax, then and in such case, not more than one twentieth part of the land taxed shall be exposed to sale, for any one tax levied thereon; to be divided, after the expiration of the time of redemption, by the selectmen of the said town, to the vendee, from the lot subject to the payment of the said tax; having respect to the quantity of land sold, and quality of the lot so taxed.

A C T S A N D L A W S,
 Passed by the legislature of the state of
 VERMONT, at their session at
 Manchester, the second Thursday
 of October, 1788.

Passed Oct
13 1788. An act, in addition to an act, entitled, *An act for*
dividing the state into probate districts.

Fairhaven district. **I**T is hereby enacted by the general assembly of the State of Vermont, That there be one new probate district formed in the county of Rutland, to be bounded and described as follows: Divided from the other district by a line beginning at the northeast corner of Sudbury, continuing southward in the east lines of said Sudbury, Hubbardton, Castleton, Poultney, Wells, and Pawlett; and that the towns west of said lines are hereby formed into one entire probate district, by the name of the district of Fairhaven.

Towns annexed to Thetford district. *It is hereby further enacted,* That the towns of Moortown, Corinth, and Washington, in the county of Orange, be, and hereby are annexed to the probate district of Thetford.

Randolph district *And it is hereby further enacted,* That the town of Randolph, Braintree, Brookfield, Roxbury, Williamstown, Northfield, Wildersburgh, Berlin, and Montpelier, in the county of Orange, be, and hereby are formed into one entire probate district, by the name of the district of Randolph. *And*

And it is hereby enacted by the authority aforesaid, Chittenden district.
That the county of Chittenden be, and hereby is formed into one entire probate district, by the name of the district of Chittenden.

And it is hereby further enacted by the authority aforesaid, That there be courts of probate held in each of the aforesaid districts, as by law are held in other probate districts in this state.

An act to enable Mary Campbell, of Cornwall, in the county of Addison, to take possession of, and become heir, to all the estate, real and personal, of Robert Castilow, late of Rutland, in the county of Rutland, deceased.

Passed Oct.
18. 1788.

I*T is hereby enacted by the general assembly of the State of Vermont,* That all the estate that the said Robert Castilow, at his decease, real and personal, was possessed of, become the proper estate of the said Mary Campbell, the same and in like manner as though she had been heir at law to said estate, at the decease of the said Robert Castilow; and that she in like manner enter into, peaceably enjoy, and possess the same.

An act forming the south part of the town of Athens into a parish.

Passed Oct.
18, 1788.

I*T is hereby enacted by the general assembly of the State of Vermont,* That the south part of the town of Athens, in the county of Windham, be, and is hereby, erected into a distinct parish, beginning at the southeasterly corner of Athens, and extending westerly on the north line of Putney, to the south-westerly corner of Athens aforesaid, thence extending northerly, to be bounded on the east and west line of said town, so far that a line drawn parallel with the said south line, and intersecting said east and west line, shall include the whole of the rights of twenty-one original proprietors in said town; and to enjoy all the privileges to which any other parishes in this state are by law entitled: and to be called and known by the name of the South Parish in Athens.

An act for dividing the town of Wardsborough into two distinct districts.

Passed Oct.
18, 1788.

I*T is hereby enacted by the general assembly of the State of Vermont,* That the town of Wardsborough be, and hereby is, divided into two distinct
and

*Wardsbo-
rough into
two dis-
tricts.*

*Both dis-
tricts to
choose
town offi-
cers.*

*one repre-
sentative.*

*Freemen to
meet.*

Proviso.

*Passed Oct
21, 1788.*

*Supreme
court time
and place of
sitting.*

*Appeals,
&c to be
tried, &c.*

and separate districts, to be divided by a line to begin on the east line of said town, at an equal distance from the northeast and southeast corners of said town, from thence such a point of compass as to intersect the west line of said town at an equal distance from the northwest and southwest corners thereof: and that the inhabitants of each district be, and they are hereby, fully authorized and empowered to choose town officers, and to do any other town business that other towns may lawfully do; except that for the time being the two districts shall choose but one representative to represent them in the general assembly—that the inhabitants shall meet on the first Tuesday of September next for that purpose, at the dwellinghouse of Ebenezer Cheney, in said town; and that they shall meet for the purposes aforesaid, on the succeeding first Tuesday of September, at the most public place in the north district, and the next succeeding year at the most public place in the south district, and in like manner afterwards. And it shall be the duty of the first constable in each district to warn the freemen within his district to attend the freemen's meeting.

Provided always, That the districts be equally benefited by the public lands in said town.

An act to repeal an act, entitled, *An act for the purpose of completing the transfer of the treasury.*

IT is hereby enacted by the general assembly of the State of Vermont, That an act, entitled, "An act for the purpose of completing the transfer of the treasury," passed by the legislature in October 1787, be, and hereby is repealed and declared to be of no force or effect.

An act directing the holding the supreme court in the county of Chittenden.

IT is hereby enacted by the general assembly of the State of Vermont, That in future the supreme court shall be holden at Colchester, within and for the county of Chittenden, on the first Tuesday of August annually; which court shall take cognizance of all causes, proper to come before said court within said county. And,

It is hereby further enacted by the authority aforesaid, That all appeals heretofore made from the county court

court holden at Colchester aforesaid, and all actions, of what name or nature soever, that have arisen within the county of Chittenden, and are now depending before the supreme court for the county of Addison, shall be heard, tried and determined, in the supreme court to be holden at Colchester, within and for the county of Chittenden, any law of this state to the contrary notwithstanding.

An act for the preservation of deer.

Passed Oct
21, 1788.

I*T is hereby enacted by the general assembly of the State of Vermont,* That no person or persons whatsoever, within this state, at any time between the tenth day of January and the tenth day of June next following in each year annually forever hereafter, shall kill or destroy, directly or indirectly, any buck, doe or fawn, on pain that every such person so offending and being thereof convicted, shall forfeit and pay for every buck, doe or fawn so killed, the sum of three pounds, the one moiety thereof to the person or persons that shall prosecute the same to effect, and the other moiety to the treasury of the town in which the conviction is had. Any one justice of the peace shall hear and determine any offences committed against this act, any law, usage or custom to the contrary notwithstanding.

*£3. fine
for killing
a deer, &c.*

And the more effectually to deter such offences,

It is hereby further enacted, That if any venison, skin or skins of any buck, doe or fawn newly killed, shall at any time wherein the killing thereof is by this act prohibited, be found with, or in possession of any person or persons whatsoever, such person or persons shall be held and accounted guilty of killing such deer contrary to this act, as fully as if it were proved against such person or persons by sufficient witness, unless such person or persons can show that he came lawfully by the same.

*Persons
having
venison or
skins, to be
guilty, un-
less, &c.*

An act for the purpose of altering the name of the township of Turnersburgh, in the county of Orange, to the name of Chelsey.

*Passed,
Oct 13,
1788.*

I*T is hereby enacted by the general assembly of the State of Vermont,* That the township of Turnersburgh, in the county of Orange, be hereafter called and known by the name of the township of Chelsey; and that all advertisements of what name or

E e

nature

nature soever, that respects the said town, for the term of three years next ensuing, shall mention that the said Chelkey was formerly called and known by the name of Turnersburgh.

Passed Oct
23, 1788.

An act in addition to an act, entitled, *An act regulating proprietors meetings*—also, in addition to an act, entitled, *An act directing town clerk's in their office and duty.*

Preamble.

WHEREAS there is a clause in said act regulating proprietors meetings, directing “that from and after the expiration of six months from the publication of this act, no person whatever in this state, shall be capable of exercising the office of proprietors clerk, in any incorporated town, district or gore of land, unless he be an inhabitant of such town, district, or gore, as aforesaid.” And whereas there is no penalty in said act, on any proprietorship in case they refuse or neglect to appoint proprietors clerks within such incorporated town, district, or gore, which may create great inconvenience:—
Therefore,

Town clerks
duty.

IT is hereby enacted by the general assembly of the State of Vermont, That if the proprietors of any incorporated town in this state, shall refuse or neglect to appoint a proprietors clerk within such incorporated town within two months from the publishing this act, that it shall and may be lawful for the town clerk of any such town where the proprietors neglect or refuse as aforesaid, to do all and every duty that may or shall belong to any such proprietors clerk; and such town clerk be, and is hereby directed and empowered, to call on the former proprietors clerk of such town, for all the records, files, and papers that belong to said proprietors clerk's office, and shall remove and keep the same in such town clerk's office. And if any such proprietors clerk shall refuse to deliver up such proprietors records, files or papers that belong to such proprietors clerk's office, to such town clerk, within sixty days after the same has been demanded as aforesaid, such proprietors clerk shall forfeit and pay into the town treasury for the use of such town, the sum of eight pounds, to be recovered before any court proper to try the same; and also shall forfeit and pay to such town treasurer, the sum of six pounds for every month

3l. fine for
proprietors
clerk refusing
to deliver up
the records,
&c.

month that he shall refuse or neglect to deliver over such proprietors records, papers, &c. after being so demanded.

It is hereby further enacted by the authority aforesaid, That any town clerk who shall refuse or neglect to do his duty as herein required, after being requested by any one proprietor, shall forfeit and pay unto such proprietor, the sum of three pounds for every month he shall refuse or neglect to perform his duty as herein required—and that if any town clerk after he has received such proprietors records and papers, shall refuse to give copies, &c. he shall be liable to the same penalty as proprietors clerks are subjected to in said act.

And it is hereby further enacted by the authority aforesaid, That whenever any town shall choose a new town clerk, it shall be the duty of such town clerk, to wait on the former town clerk of such town, within three days after his appointment, and demand all the records and papers belonging to such town clerk's office; and if such town clerk shall refuse or neglect to deliver up such records and papers, he shall forfeit and pay to the treasury of such town, five pounds for every week's neglect after the same has been demanded as aforesaid, to be recovered before any court proper to try the same, on the complaint or information of any town officer of said town.

An act for allowing and regulating offsets.

I*T is hereby enacted by the general assembly of the State of Vermont,* That if the plaintiff in any action depending before any court, on bond, bill, note, or other contract, shall be indebted to the defendant in such action, the defendant, after pleading the general issue, or confessing the plaintiff's cause of action, may plead an offset of any sum or sums due to him from the plaintiff as aforesaid; which plea shall be in the nature of a declaration in one or more counts, as the nature of the case may require; and if the plaintiff shall plead the general issue to any or all the counts in the defendant's plea, or shall confess the cause of action contained in any or all the counts in the defendant's plea, he may in like manner plead an offset of any sum or sums due to him from the defendant as aforesaid; and the issues and pleadings being

Passed Oct.
21, 1788.

Defendant may plead an offset.

In one or more counts.

Plaintiff in like manner.

Town clerks neglecting their duty, to pay a fine

New town clerks to demand records, &c.

Jury directed.

being closed, the jury shall be directed to find generally such sum or sums as shall be found in arrear from either, and judgment shall be rendered thereon accordingly.

Mutual judgment may offset.

It is hereby further enacted by the authority aforesaid, That where there are mutual judgments recovered between the same parties in any court, such court may, on motion of either party, offset such judgments against each other, and execution shall issue for the balance only.

Provido.

Provided always, That no sum due on account, the balance whereof shall not be ascertained under the hand or hands of the party or parties; nor any bond, bill, note, or other contract, not due and payable before the commencement of the plaintiff's action; nor any bill or note sold, endorsed, or assigned to the plaintiff or defendant; shall be allowed in any plea of offset, unless it shall appear on trial, that notice of such sale, endorsement, or assignment, was given by the party holding such bill or note, to the opposite party, before the commencement of the plaintiff's action, which in such case shall be taken to be the day of service of the original writ in the action.

Passed Oct 21, 1788.

And an act dividing the Two Heroes into two towns.

I*T is hereby enacted by the general assembly of the State of Vermont,* That the township of the Two Heroes, in the county of Chittenden, be, and hereby is, divided into two separate towns; and that the division be made where the waters separate the two islands heretofore forming said town; and the north island is incorporated into a town by the name of the Northhero, and the south island is incorporated into a town by the name of the Southhero: and that each town have and enjoy all the privileges and immunities separately, which were given them by charter.

Provided always, That for the time being they shall hold but one freemen's meeting for both towns, in such place as they shall agree upon, and shall have but one representative in general assembly: any thing to the contrary herein contained notwithstanding.

An act, in explanation of an act, entitled, *An act Passed Oct*
for enabling communities to sue for and defend their 23, 1788.
rights, estates, and interests.

WHEREAS it has been a matter of doubt in some
of the courts in this state, whether by said act *Preamble.*
counties are enabled to defend or sue for their
rights, estates, or interests; by reason whereof,
inconvenience and detriment may arise to the several
counties in this state: Which evil to prevent.

IT is hereby enacted by the general assembly of the
state of Vermont, That the said act be, and the
same is hereby, considered to extend to counties, in
as full and ample a manner as to any town, society,
or district, or any other community whatsoever.

An act, in addition to an act, entitled, *An act for* *Passed Oct*
the regulation of fees. 23, 1788.

WHEREAS in said act no provision is made for al-
lowing sheriffs or constables any fees for travel in
levying and returning executions, nor for plaintiffs *Preamble.*
or defendants before a justice's court.

IT is hereby enacted by the general assembly of the state
of Vermont, That every sheriff, constable, or
person specially deputized thereto, be allowed four
pence per mile travel on every execution, from the
place of service to the place where the same is made
returnable: and every plaintiff or defendant shall be
allowed three pence per mile travel to a justice's court,
provided that not more than twelve shillings shall be
taxed for plaintiff's or defendant's travel in any justice's
court in any one action whatsoever.

An act altering the name of Mooretown, in Orange *Passed Oct*
county, to the name of Bradford. 23, 1788.

IT is hereby enacted by the general assembly of the state
of Vermont, That the name of the township
of Mooretown, in Orange county, be forever here-
after known by the name of Bradford.

And it is hereby provided, That whenever any ad-
vertisements respecting said township, shall be pub-
lished within three years from the passing of this act,
it shall be called Bradford, heretofore known by the
name of Mooretown, in Orange county.

An

Passed Oct
23, 1788.

An act against breaking the peace.

IT is hereby enacted by the general assembly of the state of Vermont, That whosoever shall disturb or break the peace by tumultuous and offensive carriage, threatening, traducing, quarrelling, challenging, assaulting, beating or striking any other person, such person or persons so offending, shall be liable to pay to the party hurt or stricken, just damages; and also shall pay such fine as on consideration of the party smiting or being smitten, and with what instrument, danger more or less, time, place and provocation, shall be judged just and reasonable, according to the merits of the offence, as the justice or justices shall determine. And if such offence be aggravated by some notorious and high handed violence, the offender or offenders shall be bound over to the next county court to answer for such offence.

Passed Oct
23, 1788.

An act to repeal one certain clause in an act, entitled: *An act defining the powers of the supreme and county courts within this state.*

Preamble.

WHEREAS the third paragraph of said act enabling the judges of the supreme court to call to their assistance any one councillor, is contrary to the intent and meaning of the twentythird article in the constitution. Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That the said clause in the third paragraph of said act be, and the same is hereby repealed.

Passed Oct
23, 1788.

An act constituting a court of chancery.

Preamble.

WHEREAS, it appears interesting to this legislature, that a court of chancery should be erected within this state, with such powers as are usually exercised by that court in the kingdom of Great Britain, and the neighboring states, and not repugnant to the constitution: Therefore,

*Court of
chancery
constituted*

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and there hereby is, constituted, a court of chancery within and for the state of Vermont, to be holden in the several counties within this state, at the several times and places appointed by law for holding the supreme court of judicature of this state, in each and every of said counties: and the judges of the supreme court of judicature as aforesaid, two of whom to be a quorum, be,

be, and they hereby are, constituted and appointed judges or chancellors of said court, with all the powers mentioned in the preamble of this act.

It is hereby further enacted by the authority aforesaid, That the manner of process in said court shall be governed and regulated by the judges of said court, conforming, as near as may be, to the rules and precedents established in courts of chancery in the kingdom of Great Britain. *Manner of process.*

It is hereby further enacted by the authority aforesaid, That all bills or matters in equity heretofore brought and depending before a court of equity in this state, and undetermined, be taken up in the same stage in which they were left by said former court. *Causes not determined, to be taken up.*

An act directing the mode of process against high sheriffs' bondsmen. *Passed Oct. 23, 1788.*

I*t is hereby enacted by the general assembly of the State of Vermont,* That where any high sheriff hath been, or shall be, sued for any neglect or unfaithfulness in his office and duty, and judgment hath been, or shall be rendered against such sheriff, and the execution that hath issued, or shall issue, from such judgment, be rendered *non est*; that then, and in every such case, the person or persons recovering such judgment may, in his own name and right, sue out a writ of *scire facias* against any or all of such sheriff's bondsmen or sureties, returnable in the same court where the judgment was had and rendered against such sheriff; and unless cause be shown to the contrary, such judgment had and rendered against such sheriff, shall be affirmed against such bondsmen, surety, or sureties, with additional cost, and execution shall issue accordingly. *In case of non est return.*

Provided nevertheless, That nothing in this act contained shall be construed to prevent such bondsmen, surety, or sureties, from taking all advantage on the *scire facias* that they might or could have done had debt been brought on such bond. *Provide.*

It is hereby further enacted by the authority aforesaid, That a copy of the recognizance, attested by the officer having by law the custody of said bond, shall be good and sufficient evidence of such bond of recognizance, against such bondsmen, surety, or sureties: any law, usage, or custom, to the contrary, notwithstanding. *Copy of recognizance to be given in evidence.*

An

Passed Oct An act for the incorporating part of the towns of
23, 1788 Newhaven, Panton, and Ferrisburgh.

*Bounds de-
scribed.*

IT is hereby enacted by the general assembly of the State of Vermont, That all the freemen of this state, inhabitants of said Newhaven, Panton, and Ferrisburgh, dwelling and inhabiting within the following bounds, viz. beginning on the line between Ferrisburgh and Newhaven, at the southeast corner of the town plat in said Ferrisburgh, from thence running north, three hundred and twenty rods, to a stake and stones; from thence west, four hundred rods, to a stake and stones; from thence south, across Ottercreek, four hundred and eighty rods, to a stake and stones standing in Panton; from thence east, across Ottercreek, four hundred rods, to a stake and stones standing in Newhaven; from thence north, one hundred and sixty rods, to the bounds first mentioned; including the waters of said creek within the preceding limits—be, and the same is hereby, ordained, constituted, and declared to be, from time to time, and forever hereafter, one body politic and corporate, in fact and in name, by the name of the mayor, aldermen, common council, and freemen of the city of Vergennes: and that by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all suits of what nature soever; and also to purchase, hold and convey, any estate real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be freemen of said city.

Name.

*Freemen to
sue and be
sued, &c.*

*To hold an-
nual meet-
ings in Ju-
ly to choose
annual of-
ficers.*

*Mayor to
hold his of-
fice 2 years.*

And for the better encouragement of said city.
It is hereby enacted by the authority aforesaid, That there shall be a meeting of said city, holden annually in July, at such time and place as by the by-laws of said city shall be directed, for the purpose of choosing all the annual officers of said city: and the annual officers of said city chosen at such meeting, shall continue in office until the expiration of the month of July then next, unless others shall be sooner chosen and qualified in their stead. And the said city in legal meeting, shall choose a mayor, who shall hold his office two years, unless sooner discharged by the general assembly.—And at their annual meeting shall choose four aldermen, and a common council
of

of not more than fifteen, and one sheriff, out of the freemen of said city; all which officers, and all other officers of said city eligible by the freemen thereof, shall be chosen by ballot; and on each ballot which is given in, shall be written the name of the person for whom the same is given: and such ballot shall be rolled up, and in the presence of the mayor and aldermen of said city, or such of them as are present at said meeting, put by the person giving the same into a box—and when the freemen present at any city meeting, shall have had a reasonable time to give in their ballots, the sheriff of said city, or the junior alderman present, in the presence of the mayor, aldermen, or such of them as are present at such meeting, shall open said box, open sort and count the ballots, & the person who shall have a majority of the ballots given in, shall by the sheriff, or in his absence, by the junior alderman present be declared to be duly elected, and no ballots shall be received after the box shall have been opened, and said city in legal meeting assembled, shall have power to levy taxes on the polls and rateable estates within the limits of said city, for such purposes as the said city shall think proper, and to choose a collector or collectors to collect such tax, who shall (having received a warrant for that purpose, signed by the mayor or one of the aldermen of said city) have the same power as collectors of town taxes by law have, and shall be accountable to the mayor and aldermen of said city, in the same manner as collectors of town taxes are by law accountable to the town treasurer; and in case any collector shall not perform the trust committed to him, but shall fail of collecting such rate according to the terms of the warrant committed to him, on complaint thereof made by the aldermen of said city, to the mayor thereof, he shall issue his warrant under his hand directed to the sheriff of said city, to distrain the sum or rates neglected by such collector to be collected, or paid out of the estate of such collector.

*Officers to
be chosen by
ballot.*

To levy taxes.

*To choose a
collector,*

his power.

It is hereby further enacted by the authority aforesaid, That the sheriff of said city shall (within the limits of said city) have the same powers and authority, and be liable to the same suits or penalties for neglect of duty, in any case whatever, to all intents and purposes as sheriffs by law now have and are; and the said city shall be liable to answer in the case of the

*Sheriff's
power, and
penalty for
neglect of
duty.*

*Treasurer
chosen.*

inability of said sheriff, for default of said sheriff in all cases relative to his office ; and said sheriff shall give bond, with sureties, in such manner as shall be directed by the by-laws of said city, for the faithful discharge of the duty of his office before he shall be capable of executing the same, & in case he refuses, the said city may proceed to choose another sheriff in his room : and the said city may in legal meeting, choose a treasurer for said city, to continue in office during the pleasure of said city, who shall have the same powers within said city, as town treasurers now by law have, and shall be accountable to said city,

*City courts
2d. Tues-
day of ev-
ery month.*

It is hereby further enacted by the authority aforesaid, That there shall be holden monthly, on the second Tuesday of every month, in said city, a city court ; which court shall have power to adjourn from time to time, and shall have cognizance of all civil causes where the title of land is not concerned, by law cognizable by the county courts in this state, provided the cause of action arise within the limits of said city, and one or both of the parties live within the limits of said city. And the said city courts shall, as to the causes by them cognizable, to all intents and purposes, have the same powers and authorities, and proceed in the same manner, and grant execution as said county courts now or hereafter by law shall proceed and grant ; and the executions granted by the said city courts, shall be served and returned in the same manner as the executions granted by the said county courts ; and an appeal shall be allowed to either party, from the judgment or determination of said city courts, to the next supreme or county court to be holden in the county of Addison, in all cases in which an appeal is now or hereafter by law shall be allowed from the said county courts, and said city court shall have full power to appoint and swear a clerk for said court ; which clerk shall, as to the matters relative to his office as clerk of said court, have the same powers and authorities as the clerks in the several county courts in this state by law have ; and the oath to be taken by the said clerk, shall be the same as provided by law to be taken by clerks of the county courts in this state. And the mayor of said city, or in his absence the senior assistant judge of said city court may, at the special instance and cost of any person moving therefor, hold a special city court, at

*Their pow-
er.*

*Appeals al-
lowed.*

*May ap-
point a
clerk.*

*May hold
special
courts.*

such

such time and place within said city, as the mayor or judge ordering the same shall appoint; which court shall proceed in the same manner, have the same powers and authorities, and in all respects be under the same regulations as the stated courts of said city; and all the taxable fees of said city court, shall be the same as the taxable fees of the county courts in this state.

It is hereby further enacted by the authority aforesaid, That the mayor of said city, for the time being, and the two aldermen first chosen at the annual meeting of said city, or at their first meeting, shall compose the said city court, & be the judges thereof; and the mayor shall be the chief judge of said court, and the said two aldermen shall be the assistant judges; any two of whom, in the absence of the other, taking to their assistance the senior alderman present that is not a judge of said court, shall have power to hold a city court. And if at any city court there shall be but one judge present, he shall take to his assistance the two other aldermen of said city, and they three shall have the same power to hold a city court as the judges of said city court have.

It is hereby further enacted by the authority aforesaid, That the mayor and aldermen of said city, shall severally within the limits of said city, have cognizance of all civil causes by law cognizable by a justice of the peace, provided the cause of action arises within the limits of said city, and one or both parties live within the same. And the said mayor and aldermen shall, as to the causes severally by them cognizable, have the same powers and authorities, and proceed in the same manner as justices of the peace now shall have and proceed. And no appeal shall be allowed from the judgment of said mayor or aldermen by them severally cognizable. And the taxable fees in all causes cognizable by the mayor, or by one of the aldermen severally, shall be the same as the taxable fees in like cases before justices of the peace; and the processes in all actions bro't to said city courts, shall be the same as the processes to the county courts in this state: and the processes in all actions brought before the mayor, or one of the aldermen of said city, shall be the same as processes in actions brought before a justice of the peace, and signed by the mayor or one of the aldermen of said city,

Who to be judges of city courts.

Mayor or aldermen to have the powers of justices of the peace.

What to sign w. its.

city, or the clerk of said city court, and shall be served by a sheriff, deputy-sheriff, or constable, to whom directed, according to the laws of this state and the provisions of this act. And all bonds for prosecutions taken by any of said officers hereby empowered to sign writs, shall be good and effectual in law; and bonds for prosecution, special bail, and bonds for appeal, shall be taken for the adverse party.

Proviso.

Provided nevertheless, That no writs (executions excepted) or process, signed by the mayor on either of the aldermen, shall be of any effect without the limits of said city.

*Who to
choose ju-
rors.*

*It is herereby further enacted by the authority afore-
said,* That the said mayor, aldermen, and common council, shall on the first Monday of March annually meet, and shall then choose a number not exceeding fortyeight freeholders of said city, to serve as jurors at said city court, and shall return the names of such jurors under the hand of the mayor of said city, if present, or in case of his absence, under the hand of the senior alderman present at such meeting, to the clerk of said city court, who shall write each juror's name thus chosen, fairly on a separate piece of paper, and roll up and put the same into a box, which he shall provide and keep for that purpose: and whenever the sheriff of said city shall receive a warrant from the clerk of said city court, to summon a jury to appear before said court, the sheriff of said city, taking with him one of the aldermen of said city, shall repair to said clerk's office, and there in the presence of said alderman and clerk, shall take out of said box as many of said papers as his warrant directs, and the persons whose names shall be found written therein, shall be summoned to appear before the court to which the warrant is returnable, to serve as jurors; and in case a complete pannel shall not attend, or in case any shall be challenged or excused, the sheriff attending said court shall supply such deficiency, by drawing in presence of the court, others out of said box, and summoning them to attend and serve until the pannel shall be complete; and the names of such jurors as do not attend, or are excused, shall be returned into the box and be liable to be drawn again; and the oath to be taken by said jurors, shall be the same as is by law provided to be taken by jurors in civil actions.

*Sheriff to
summon ju-
rors, &c.*

Jurors oath

And

And the name of each juror that attends any city court, and serves, shall be again written on a separate piece of paper, and shall be rolled up and put into another box, which the clerk of said court shall provide for that purpose, and shall be liable to be drawn again in case there shall not (by reason of death, removal, or other cause) be a sufficiency in the other box to complete the pannels for that year in which they are chosen to serve. And the said city may choose a clerk of said city, who shall make true and regular entries of all the votes and proceedings of said city: and the records by him kept, shall be of the same validity in point of evidence, in any court of law in this state, as the records of towns are.

*City to
choose a
clerk of the
city.*

And it is hereby further enacted by the authority aforesaid, That the said mayor, aldermen, and common council, be, and hereby are, empowered to lay out new highways, streets, and public walks, for the use of said city, or to alter those already laid out in said city, and to exchange highways for highways, or to sell highways for the purpose of purchasing other highways,—taking the same measures in all respects as are directed by the laws of this state to be taken in case of highways laid out by the selectmen for the use of their towns; and the party aggrieved by the laying out of such streets or highways, may have the same remedy, by application to the county courts, as is by law provided in cases of highways laid out by the selectmen.

*Mayor,
&c. to lay
out high-
ways.*

*Same power
as selectmen*

*Party ag-
grieved the
same reme-
dy.*

It is hereby further enacted by the authority aforesaid, That in case any sheriff, deputy-sheriff, or constable, shall not serve a writ directed to and received by him, that is returnable to the said city court, or shall neglect to make return of said writ, or shall make a false or undue return thereof, and a suit shall for such default be bro't against him to the said city court, by the person, his executor, or administrator, in whose favor said writ issued, and the defendant be found in default; the said court, over and above awarding just damages to the plaintiff, may on said suit set a reasonable fine upon the defendant, according to the nature of the case, and may issue execution for such fine; which fine shall be to the treasurer of said city, to and for the use of said city. And in all cases wherein the defendant who is sued to the city court, living within the limits of said city, the writ shall be

*Sheriff &c
answerable
for delin-
quency.*

*Service of
writs.*

be served upon him at least six days before the day of sitting of the court to which the writ is returnable; but if the defendant lives without the limits of said city, the writ shall be served at least twelve days before the sitting of said court; and all writs returnable to said city court, shall be returned to the clerk of said court, on or before the sitting of said court, & before the first opening of said court, & the writs returnable before the mayor or either of the aldermen of said city, shall if the plaintiff and defendant both live within the city, or if the plaintiff lives without, and the defendant within the limits of said city, or if the plaintiff be a mariner or seaman suing for wages due to him for services in his occupation, and the defendant lives within the limits of said city, be served upon the defendant at least three days before the sitting of said court to the which it is returnable; but if the defendant lives without the limits of said city, the writ shall be served upon the defendant at least six days before the sitting of the court to which it is returnable.

It is hereby further enacted by the authority aforesaid, That the mayor, aldermen, sheriff, common council, and clerk of said city, shall be sworn to a faithful discharge of their duty; and the form of oath to be taken by the mayor of said city shall be as follows, viz. "You ———, being elected mayor of the city of Vergennes, do swear by the name of the everliving God, that you will without any partiality, indifferently administer justice according to law, without respect of persons; take no bribe, give no counsel in any matter that shall come before you, nor deny right to any, but well and truly perform your office of mayor of said city, according to your best skill. So help you God." And the form of the oath to be taken by the aldermen of said city, shall be the same mutatis mutandis as is prescribed by law to be taken by justices of the peace. And the form of oath to be taken by the common councilmen of said city shall be as follows: "You being elected common councilmen for the city of Vergennes, for the year ensuing, do swear by the name of the everliving God, that you will faithfully and uprightly discharge the duties of that office so long as you shall hold the same." And the form of the oath to be taken by the sheriff of said city, shall be the same prescribed by law

*Mayor's
oath.*

*Alderman's
oath.*

*Common-
councilmen's
oath.*

*Sheriff's
oath.*

law to be taken by other sheriffs *mutatis mutandis*.

And the form of the oath to be taken by the clerks of said city, shall be as follows: "You ———, being chosen clerk of the city of Vergennes, do swear by the name of the everliving God, that you will truly and faithfully attend and execute the place and office of clerk of said city, according to your best skill, and make true entries and records of all the votes and proceedings of said city, and such other matters as by law or the by-laws of said city are to be recorded in your office; and that you will deliver true copies of the records in your hands when they shall be required of you, taking only your lawful fees. So help you God." Which oath may be administered by any assistant of this state, or justice of the peace within and for the county of Addison, or by the mayor or either of the aldermen of said city, provided the mayor or alderman administering such oath, hath been sworn according to this act. And the person administering the oath prescribed by this act, shall give a certificate thereof under his hand, to the officer to whom he administered such oath; which certificate shall be recorded in the records of said city, before the person to whom it is given shall be capable of executing the office to which he is chosen.

*City clerk's
oath.*

*Who to ad-
minister
oaths.*

*Certificate
of the oath
to be re-
corded.*

It is hereby further enacted by the authority aforesaid,
That there shall be a court of common council of said city, of which the mayor, aldermen, and common council of said city, shall be the members, who, or the major part of them, shall have power to make by-laws, relative to markets and commerce within the limits of said city—relative to persons summoned to serve as jurors at said city courts, and neglecting to attend, or refusing to serve—relative to the streets and highways of said city—relative to nuisances within said city limits—relative to the wharves, channels, anchoring and mooring of vessels—relative to trees planted for shade, ornament, convenience, or use public or private, and to the fruit of such trees—relative to trespasses committed in gardens—relative to walks and buildings, public and private—relative to sweeping of chimnies, and preserving the city from fire—relative to forms of oaths to be taken by the treasurer of said city, and inspectors of produce brought to said city for sale or exportation—relative to the manner of warning meetings of said city,

*Courts of
common
council to
make by-
laws.*

*Penalties
stated.**Provido.**By-laws
to be pub-
lished.**Repealable
by the su-
preme court**Who to sign
leases, &c.**City to ap-
point in-
spectors.*

city, and court of common council, and the times and places when and where they shall be holden—relative to qualifications in point of property, of mayor and aldermen—relative to the bonds to be given by the sheriffs of said city, for a faithful discharge of their duty—relative to the penalties to be incurred by those who being chosen to any city office, shall (not being excused by the city) refuse to serve—relative to a city watch—relative to the burial of the dead—relative to the public lights and lamps of said city—relative to restraining geese and swine from going at large within the limits of said city—and to inflict penalties for the breach of such by-laws—provided however, that such penalty shall in no case exceed the sum of ten pounds lawful money. And such penalties shall be to such persons as the by-laws of said city shall direct, and recoverable by the persons to whom forfeited, by action of debt brought to the city courts of said city, in which action no appeal or review shall be allowed. Provided however, that no by-laws of said city shall be made repugnant to the laws of this state. And provided also, that all the by-laws made by the said court of common council, shall be approved of by said city in legal meeting assembled; and after being so approved, shall be published at least three weeks successively, in some public newspaper in or nearest said city, before the same shall be of any validity. And all the by-laws of said city, shall at any time within six months after they are made, be liable to be repealed by any supreme court holden in said county of Addison, if by such supreme court on a hearing adjudged to be unreasonable or unjust. And all grants and leases of any real estate belonging to said city, signed by the mayor or of said city, with the city seal and approved by said city in legal meeting assembled, shall be good and effectual in law to convey the estate intended to be conveyed by such grant or lease; provided the same is recorded in the records of the town where the lands leased or granted, lies. And said city shall have power to appoint inspectors of every kind of produce of the United States brought to said city for sale or exportation. And when the mayor of said city, or any officer eligible by the freemen thereof, shall resign, or be removed by death or otherwise, another person shall be chosen in his place by said city :

city ; and, if an annual officer, shall continue in office till the expiration of the month of July then next, unless another shall be sooner chosen and sworn in his stead. And the mayor of said city, or in his absence the senior alderman present at any meeting of said city, or at any court of common council, shall be ex officio the moderator thereof ; and the meeting of said city may, from time to time by a major vote of the freemen present, be adjourned.

Who to be moderator.

It is hereby further enacted by the authority aforesaid, That the first meeting of said city shall be holden at the most public place in said city, on the first Tuesday of July, at nine o'clock in the forenoon, which will be in the year of our Lord one thousand seven hundred and ninety-two, for the choice of mayor, aldermen, common council, and sheriff of said city, and to transact such other business as may be necessary ; which meeting may be from time to time adjourned. And a copy of this paragraph of this act, certified under the hand of the secretary of this state, and published in the most noted place in said city, at least three days before the first Tuesday of July 1792, shall be a legal warning of the freemen of said city, to attend said first meeting, for the choice of their annual officers. And the said city shall, at such meeting, choose a clerk of said city, who shall be immediately sworn, and forthwith make a record of his being chosen and sworn ; and the record thus made by him in such case, shall be effectual, any thing in this act to the contrary notwithstanding. And such records may be made by clerks hereafter chosen, of their being chosen and sworn, and shall be good and effectual, any thing in this act to the contrary notwithstanding. And said city shall thereupon proceed to choose a mayor, and the other officers of said city eligible by the freemen thereof ; and the senior justice of the peace living within the limits of said city, present at said first meeting, shall be moderator thereof, until there shall be a mayor or alderman chosen and qualified according to this act. And said city shall, at their first meeting, appoint a time and place for holding the first court of common council ; which court shall have power to adjourn from time to time.

When to hold the first city meeting.

Mode of warning.

City officers chosen.

Who to be moderator.

Provided nevertheless, That the judges of said

Proviso.

city court may, and they are hereby authorized, to hear, try, and finally determine, all causes brought before the city court, by a jury of six freemen, or without a jury if both parties agree.

Provido.

Provided nevertheless, That if this act, or any of the provisions therein contained, shall be found inadequate, or in any respect inconvenient, the same, on representation of the city, or otherwise, may be altered or revoked by the general assembly.

Passed Oct.
24, 1788.

An act for the purpose of entering certain actions in the county court in the county of Windham.

Preamble.

WHEREAS by reason of the altering the time of the sitting of the county court in the county of Windham, from the first Tuesday of November to the second Tuesday, several actions have been commenced returnable on the first Tuesday, whereby great evil will take place unless prevented by act of legislation. Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That the county court within and for the county of Windham, be, and hereby are directed, in all actions that are returnable to said court on the first Tuesday, to enter the same at their session to be holden at Newfane, on the second Tuesday of November next, and proceed to hear, try and determine the same, as though the same had been made returnable on the said second Tuesday.

Provido.

Provided nevertheless, That said court render no judgment on default, or otherwise, in any action within the above description, unless it shall appear fully that the parties in the suit have been made acquainted with this act.

Passed Oct.
24, 1788.

An act relinquishing the inhabitants of the gore annexed to Wallingford, from paying town taxes.

Preamble.

WHEREAS it is represented to this assembly, that the inhabitants of said gore live very remote from where the public business of said town of Wallingford is transacted, and that the town taxes laid for the benefit of said town, will not be of any real advantage to them by their being so remote.— Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That the inhabitants of said gore be, and they are hereby relinquished from paying

ing any town taxes in the town of Wallingford, except highway taxes, until the further order of this house.

An act, in addition to, and in alteration of an act, *Passed Oct*
entitled, *An act regulating the militia of the state* 24, 1788.
of Vermont.

IT is hereby enacted by the general assembly of the
State of Vermont, That the several brigade-majors
within the state, after making up the returns of their
respective brigades, as directed by the aforesaid act, *By whom*
shall transmit the same to the major general of the *returns are*
division to which he belongs, by the first day of *to be made.*
August annually, instead of transmitting them to the
adjutant-general. And the major-general of each
division, shall cause a return of his division to be made,
which being by him approved, shall be transmitted to
the adjutant-general by the first day of September
annually, and by him formed into a general return of
the military force of this state, to be by him transmit-
ted to the captain-general, as directed by the act a-
foresaid; any thing contained in said act to the con-
trary notwithstanding.

It is hereby further enacted by the authority afore-
said, That the major-general of each division may, *Majorgen-*
as often as he shall think proper, require the attend- *eral's pow-*
ance of any or all officers under his command, as he *er to require*
shall think proper, at such times and places as he *a meeting*
shall appoint, to confer with him on the subject of *of his offi-*
better ordering military affairs within his division; & *cers.*
shall from time to time, make such alterations and
arrangements in the same, as he shall think proper,
provided they be not contrary to the laws of the
state, or repugnant to the orders of the captain-general,
and to order courts martial for the trial of any officers
under his command, & approve of the same according
to the known rules & regulations of military discipline;
and to order out any part or the whole of his division;
to repel any invasion of the state, or suppress any in-
surrections within the same, as occasion may require,
giving notice of the same as soon as may be, to the
commander in chief, any thing in the beforemen-
tioned act contained to the contrary notwithstanding.

It is hereby further enacted by the authority afore-
said, That the commanding officers of regiments
shall have power to order courts martial for the trial
of

Command of noncommissioned officers and soldiers within their respective regiments, and approve the same according to the laws of this state, and the rules and regulations of military discipline; any thing in the aforesaid act to the contrary notwithstanding.

[It is hereby further enacted by the authority aforesaid, That the captain-general for the time being shall, once in three years, review the whole militia of the state, and oftener if he shall think proper, view once at such times and places as he shall appoint, either by regiments or otherwise, as he shall direct, giving notice of the same in general orders, at least two months before the day appointed for such review.]

It is hereby further enacted by the authority aforesaid, That the commanding officer of a brigade within this state, who shall have under his command two or more companies of cavalry, completed and equipped according to law, shall be, and is hereby empowered, calling to his advice the field officers of his brigade, to form the said companies into a squadron by themselves; which being so formed, the commissioned officers of said companies shall elect a major commandant, having full powers of determining disputes within his command, by courts martial: who shall be commissioned by the captain general for that purpose; who shall take charge of the said companies as their commanding officer, and shall be under the immediate direction of the commanding officer of the brigade; whose duty it shall be to make returns thereof to the major-brigade, the same as adjutants are by law directed; any thing in the aforesaid act to the contrary notwithstanding.

It is hereby enacted by the authority aforesaid, That that part of the aforesaid act which exempts the cavalry, light infantry, and artillery, from all poll taxes, extend only to state taxes; and such part of said act as aforesaid be, and is hereby, repealed.

And it is hereby further enacted by the authority aforesaid, That all military orders which may be issued by the captain-general respecting the several divisions, be directed to the major-general of each division, and by him or them directed to the respective brigadier generals, and by them directed to the several colonels of their respective brigades, and by the said colonels to the respective companies under their command; and all orders that may only respect a brigade

brigade, or colonel of a regiment, shall be directed to the brigadier of such brigade, or colonel of such regiment, which it may concern. And that all military orders, that may be issued by the major-general, or brigadier-general, or colonel of a regiment, shall be communicated in like manner as aforesaid.

An act to call in the securities of this state, and directing a new device for securities in future.

IT is hereby enacted by the general assembly of the State of Vermont, That all persons holding any of the public securities of this state; or who shall hold any of the said securities which have been already issued, or shall or may be issued by the treasurer within one month after the rising of this session of the legislature; and all persons holding any orders legally drawn on the treasurer previous to this session of the legislature, be, and they are hereby directed to deliver the same into the treasury of this state, by the first day of September next; and the treasurer is hereby directed, to pay unto any person so delivering into the treasury such public securities or orders, such sum in hard money orders on interest at six per cent. per annum, struck on a new device (as herein after directed) as shall by said person be so delivered in to the treasury. And if any person holding any of the said securities or orders, shall neglect to deliver the same into the treasury as aforesaid, by the first day of September next, he or she shall forever after be debarred from any demand against this state by virtue of such securities or orders, as aforesaid.

It is further enacted by the authority aforesaid, That the treasurer of this state be, and he is hereby directed, to procure a plate with a new device, for the purpose of striking the blanks for the hard money orders, aforesaid.

It is hereby further enacted by the authority aforesaid, That the treasurer be, and is hereby directed, to issue no other securities after one month from the rising of this session of the legislature, than such as shall be struck on said plate.

*Passed Oct.
24, 1788.*

*Securities
to be paid
into the
treasury by
the first
September.*

*Plate to be
procured.*

*New secu-
rities to be
issued.*

An act relating to estates that have been confiscated by the authority of this state.

IT is hereby enacted by the general assembly of the State of Vermont, That if any person or persons whatsoever,

*Passed Oct.
24, 1788.*

*What title
to be valid,
&c.*

whatsoever, who have purchased any real estate which has been confiscated by the authority of this state, shall be sued in any action of trespass, quare clausum fregit, action of ejectment, or other possessory action of what name or nature soever, he may plead the general issue, and if on trial said person or persons can prove to the satisfaction of the court and jury, that the traitor, or he whose estate was so confiscated, had at any time previous to the confiscation, a deed of the same in the legal chain of title, whether the same was acknowledged or not, or whether the same was recorded or not, it shall be prima facie evidence that the title was in the person whose estate was thus confiscated, at the time the judgment of confiscation was had and rendered, unless the person who sues for the same can shew that the person whose estate was thus confiscated, had sold and disposed of the same for a bona fide consideration, before said judgment was had and rendered.

*States at-
torney in
each county
to defend,
&c.*

[It is hereby further enacted by the authority aforesaid, That where any person or persons whatsoever, who has purchased any of the estate confiscated as aforesaid, shall be sued as aforesaid, it shall be the duty of the person or persons so sued, to leave a copy of the writ and declaration with the state's attorney in the county where the land lies. And it shall be the duty of the state's attorney to defend said actions at the cost and expense of the state, and the same pursue to final judgment and execution, unless where the attorney, with the advice of the court, shall judge it best to suffer default.]

*What evi-
dence may
be improv-
ed.*

It is hereby further enacted by the authority aforesaid, That where the person or persons who have purchased confiscated estates as aforesaid, shall have occasion to commence an action to recover possession of the same, the same evidence shall be allowed to the plaintiff, as is heretofore by this act allowed to the defendant.

*Passed Oct.
24, 1788.*

An act, in addition to an act, entitled, *An act regulating the disposition of monies raised by tax on lands in the several towns, for the purpose of making roads, &c.*

IT is hereby enacted by the general assembly of the state of Vermont, That all lands within this state that are liable to the payment of taxes for the making
and

and mending roads, by grant of the assembly, shall not be exposed to sale for the payment of such tax, until a fair and correct account of the work or labor that may have been done on such roads, under the direction of the committee authorized in said act to superintend and direct the same, shall have been made out by the said committee, and presented to the judges of the county court in the said county where the lands are situate, and approved by them at one of their stated or adjourned terms; which account shall be filed, when approved, and lodged in the county clerk's office.

Lands not to be sold until an account of labor is made out.

It is hereby further enacted by the authority aforesaid, That no article of account shall be allowed by the judges of said court, having cognizance as aforesaid, unless they shall be satisfied by the oath of one or more of the committee appointed to superintend the work or labor, that the said work or labor was faithfully done and performed on the public roads that have been laid out according to law, or under the direction of the committee.

No account to be allowed unless.

It is hereby further enacted by the authority aforesaid, That the committee appointed to superintend the labor to be done as aforesaid on highways, shall notify to the proprietors and land owners of said town, when they the said committee will attend to superintend said work, by publishing the same in both the newspapers of this state, three weeks successively, at least three months before the time assigned to complete such work or labor, to be computed from the last day of such advertisement.

Committee to publish the time when they will superintend,

It is hereby further enacted by the authority aforesaid, That the committee aforesaid shall not be obliged to receive labor in payment of any tax as aforesaid, unless said labor be done in the term of time advertised by the committee as aforesaid; any act or law of this state to the contrary notwithstanding.

Not obliged to receive labor after advertising.

Provided nevertheless, That this act shall not extend to any tax granted previous to this session of the legislature.

Proviso.

An act to empower the inhabitants within the limits of the city of Vergennes, to have and enjoy town privileges.

Passed Oct. 24, 1788.

IT is hereby enacted by the general assembly of the State of Vermont, That the inhabitants within the

the

the limits described in the charter of the city of Vergennes, have and enjoy all town privileges, from the first day of March next, until the first Tuesday of July 1792, equal with other towns in this state.

ACTS AND LAWS,

Passed by the legislature of the state of
VERMONT, at their session at
Westminster, the second Thursday
of October, 1789.

Passed Oct An act, in addition to an act, entitled, *An act to call*
14, 1789. *in the securities of this state, and directing a new*
device for securities in future, passed 24th Octo-
ber, 1788.

Preamble.

WHEREAS in said act, all persons holding orders
legally drawn on the treasury of this state, or hold-
ing any of the public securities of this state that
were issued previous to the first day of December
last past, should deliver the same into the treasury of
this state, on or before the first day of September
last past, or should forfeit the same. And where-
as it appears to this assembly, that many persons
holding said securities have not been duly notified
of said act, by which means their securities have
not been delivered to the treasurer: Therefore,

IT is hereby enacted by the general assembly of the
State of Vermont, That all persons holding said
securities which were issued by the treasurer of this
state, previous to the first day of December last past;
and all persons holding any orders legally drawn on
the treasurer previous to this session of the legislature,
have a further time allowed them to deliver the same
into the treasury of this state, to the first day of July
next; and the treasurer is hereby directed to receive
the same, and issue hard money orders in lieu there-
of, agreeable to said act. And,

It is hereby further enacted, That it shall be the
duty of the secretary, to publish this act in all the
newspapers printed in this state, four weeks succe-
sively, as soon as may be after the rising of this as-
sembly.

An act for the purpose of altering the name of the township of Pocock, in the county of Addison, to the name of Bristol. *Passed Oct. 21, 1789.*

IT is hereby enacted by the general assembly of the State of Vermont, That the township of Pocock, in the county of Addison, be hereafter called and known by the name of Bristol. And, that advertisements of what name or nature soever, that respects the said town, for the term of three years next ensuing, shall mention, that the said Bristol was formerly called and known by the name of Pocock. *Pocock altered to the name of Bristol.*

An act in addition to *An act for the regulation of* *Passed Oct. 23, 1789.*
fees.

IT is hereby enacted by the general assembly of the State of Vermont, That there shall be allowed to the judges of the supreme court, in lieu of the day wages heretofore allowed,

To the chief judge, while on the circuit, per day, £ 1 7 0

Each of the side judges, per day, 1 2 0

On each motion for an arrest of judgment, 0 4 0

*Judges of
supreme
court fees.*

PARTIES FEES.

And there shall be allowed to the party recovering in the county or supreme court, in lieu of the fees heretofore allowed, in judgments rendered by default, and in litigated suits,

Term fees, on nonsuit or default, in the first term, 0 6 0

Term fees, in all other cases, - - - 0 12 0

And the party recovering shall be allowed for his attorney, on default, 0 9 0

For a trial of issue, of law or fact, - 0 18 0

*Parties
fees.*

*Attorney's
fees.*

COUNTY COURT FEES.

To the judges of the county court, for each motion for an arrest of judgment, 0 3 0

*County
court fees.*

JUSTICES FEES.

To justices of the peace, in lieu of the fees heretofore allowed by law, for judgment, in each action tried, 0 3 0

*Justices
fees.*

If by jury, - - - - - 0 4 0

For each default, - - - - - 0 1 6

Affidavits taken out of court, - - - 0 2 0

Passed Oct. 23, 1789. An act appointing commissioners for the purposes therein mentioned.

Preamble.

WHEREAS it is of consequence that the line between the state of Vermont and the state of Newyork be ascertained and established, and that certain obstacles to the admission of the state of Vermont into union with the United States, should be removed: Which purposes to effect,

*7 commis-
sioners ap-
pointed to
treat with
the commis-
sioners of
Newyork.*

I*T is hereby enacted by the general assembly of the state of Vermont, That Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob, and Israel Smith, esquires, be, and hereby are, appointed commissioners in behalf of this state, with full power to them, or any four or more of them, to treat with commissioners that now are, or hereafter may be appointed by the state of Newyork, and who shall be fully authorized and empowered, by the said state of Newyork, to ascertain, agree to, ratify, and confirm, a jurisdictional or boundary line between the state of Newyork, and the state of Vermont: and to adjust and finally determine, all and every matter or thing, which in any wise obstructs a union of this state with the United States. And,*

*Act of four
or more to
be binding
on the part
of this
state.*

It is hereby further enacted, That every act or agreement of the said commissioners, or either four or more of them, made and entered into and with certain commissioners that now are, or hereafter may be appointed by the state of Newyork, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same had been an immediate act of the legislature of this state.

Provide.

Provided always, That nothing in this act shall be construed to give the said commissioners power to lessen or abridge the present jurisdiction of this state; or in any wise oblige the inhabitants of the same, or any other person or persons claiming title to lands heretofore granted by this state, or the late province of Newhampshire, to relinquish their claims under the jurisdiction thereof; or in any wise subject the state of Vermont to make any compensation to different persons claiming under grants made by the late province and now state of Newyork, of lands situate and being in the state of Vermont, and within the jurisdiction of the same.

An

An act, in addition to *An act directing the mode of process against high-sheriff's bondsmen.* Passed Oct. 26, 1789.

IT is hereby enacted by the general assembly of the State of Vermont, That in all cases of a scire facias heretofore prosecuted, or that shall be hereafter prosecuted against a sheriff's surety or sureties, for any default of their principal in his office, before any court in this State, such surety or sureties where the judgment on which such scire facias is grounded was obtained, shall have been obtained by default, shall be allowed all the advantages upon trial upon such scire facias, which might by law have been allowed to the principal in the original action; any law, usage or custom, to the contrary hereof, in any wise, notwithstanding. And,

Sheriff's surety may maintain action, &c.

It is hereby further enacted, That all actions that may in future be brought against sheriffs bondsmen, as aforesaid, shall be commenced and prosecuted in the county where the bondsmen reside. *Sheriff's sureties where sued.*

An act, in addition to an act, entitled, *An act authorizing the selectmen of the several towns in this State to improve the globe and society lands,* passed October 26th, 1787. Passed Oct. 26, 1789.

WHEREAS in said act it makes it the duty of the selectmen in any town within this State, where any person or persons wrongfully claim, or are in possession of the globe or society lands, or any part thereof, within such town, to demand the peaceable possession of the same; and on refusal of the possessor or possessors, to eject and oust such possessor or possessors: and whereas, there is no provision made in said act, to enable such selectmen to prosecute the same: Therefore, *Preamble.*

IT is hereby enacted by the general assembly of the State of Vermont, That the selectmen of such towns be, and hereby are empowered to draw out of the treasury of such town, such sum or sums of money, as shall be necessary in prosecuting such action or actions; and the inhabitants of such town or towns, are hereby required and empowered, to tax themselves to raise such money; and the selectmen of such town or towns, shall refund to the treasury of such town, such money, to be paid out of the avails of the improvement of such lands, where such selectmen can collect the same. *Selectmen to draw money, &c.*

How to refund it.

An

Passed Oct. An act making it the duty of a proprietor's clerk to
 27, 1789. deliver over the records, files, and papers belonging to his office, to his successor in said office.

Proprietors shall neglect or refuse, on demand being made by clerk refuse any one of the proprietors or landowners of said town, to give over to his successor in that office, within one month after such demand, as aforesaid, all the records, files, and papers, belonging to his said office, such proprietors clerk, so neglecting, shall forfeit and pay the sum of fifty pounds, lawful money, for every month he shall so neglect, as aforesaid; one half of the said sum to the treasury of the town, of which he was the proprietors clerk; and in case there shall be no such treasurer, then the said half to the treasury of the county in which such town shall lie; and the other half to him who shall prosecute the same to effect.

one half to the town or county, residue to complainer.

And it is hereby further enacted, That where the proprietors clerk of any organized town, does not reside within the same, the town clerk of such town, for the time being, shall officiate as proprietors clerk of such town; and the former proprietors clerk of such town, upon demand being made, by any one proprietor or landowner of said township, shall deliver over to such town clerk, within one month after such demand, as aforesaid, all the records, files, and papers, belonging to his said office; or such proprietors clerk so neglecting, as aforesaid, shall forfeit and pay the sum abovementioned; to be collected and appropriated in manner as above, in this act provided.

Passed Oct. An act directing the surveyorgeneral in his office and
 28, 1789. duty; and repealing certain acts therein mentioned.

Town lines to be completed, & a plan returned to the gov. &c. **I**T is hereby enacted by the general assembly of the State of Vermont, That the surveyorgeneral be, and he is hereby directed, as soon as may be, to complete the survey of the town lines in the northern part of this state; and when he shall have completed the same, to return a chart or plan of the several surveys he shall have made by order of the legislature, to the governor, council and general assembly of this state.

It is hereby further enacted, That the surveyor-general, in the execution of his office, shall have all the powers which by law are given to the several county surveyors in this state; and if any person or persons, shall by any way or means, oppose, hinder, or interrupt the surveyor-general in the due execution of his office, or any person employed by, or under him in said office, he, or they, so offending, shall be liable to the same pains and penalties as are by law to be inflicted in case of opposition to any county-surveyor, in the execution of his office.

Surveyor-general's power.

It is hereby further enacted, That the surveyor-general shall employ chainmen, and such other assistants as may be necessary, and also procure such provision as may be necessary in prosecuting said surveys, and running town lines. For the services of which chainmen and assistants, as well as for the expense of such necessary provisions, the surveyor-general shall be allowed a reasonable compensation, in the settlement of his accounts.

Surveyor-general to employ chainmen procure provisions, &c.

It is hereby further enacted, That the surveyor-general shall be allowed nine shillings per day, for all future services, in the execution of his office.

Surveyor-general's wages.

It is hereby further enacted, That the surveyor-general shall keep a separate account of the expenses, which may arise in running the outlines of each particular town, by him surveyed; and also the expenses which may arise in running any line, by which any number of towns may be benefited.

Account of expenses to be kept.

It is hereby further enacted, That the proprietors of the several towns surveyed as aforesaid, shall be liable to pay the expenses of such survey in gold or silver; and if it shall be necessary for the surveyor-general, in the execution of his office, to run any line, by which any number of towns may be benefited, all such towns, so benefited, shall pay their equal proportion of the expense of running such line.

Expense to be in gold or silver.

It is hereby further enacted, That an act passed the 22nd of October, 1782, entitled, *An act for the regulation and establishment of town lines*, and an act, passed February 24th, 1783, entitled, *An act, in addition to an act, for the regulation and establishment of town lines*; also, an act, passed the 8th of March, 1784, entitled, *An act for the purpose of cutting roads in the northern part of this state*; also, an act, passed 29th of October, 1784, entitled, *An act, in addition*

Acts repealed.

dition to an act, entitled, *An act for the regulation and establishment of town lines*, be, and they hereby are repealed. And,

Pitches abrogated.

It is hereby further enacted, That no surveybill, or record of survey, of any land, surveyed and laid out by authority of the aforesaid acts, of land sold at vendue, by direction of the aforesaid acts, shall be received in any court of record, in this state, as evidence of a title. And,

Time of redemption of land sold at vendue.

It is hereby further enacted, That in all cases where lands have been sold, by virtue of the aforesaid acts, and the time of redemption is not already expired, any person whose lands may have been so sold, and the time of redemption is not yet expired, shall be allowed one year from the time of such sale, to pay his redemption money; and the sheriff or constable, who may have so sold such land, shall not execute any deed, until one year from the time of such sale.

Passed Oct 28, 1789.

An act, in addition to, and explanation of, an act, passed March 8th, 1787, entitled, *An act ascertaining the mode in which granting fees shall be assessed, and the charters given of lands granted by this state*, &c.

Preamble.

WHEREAS it is provided in said act, that no charter, or grant of land shall issue, until the treasurer of this state shall give his receipt for the whole amount of the granting fees of said land; which receipt shall be lodged in the office of the secretary of state, before any such charter shall be completed. And whereas it appears, that in some cases such receipt cannot be obtained: Therefore,

Committee appointed by the assembly to receive granting fees.

IT is hereby enacted by the general assembly of the state of Vermont, That it shall be the duty of the several committees, appointed by the general assembly of this state, to receive the granting fees of any lands, granted previous to the passing the aforesaid act, which fees having been at that time received, on application of any proprietor in any of said grants, to make out a certificate of all the money, by them received thereon, which certificate, being in full of the fees assessed on said land, on being produced to the governor of this state, and recorded by the secretary of council, and lodged with the secretary of state; and also lodging a duplicate of such certificate

with

with the treasurer of this state, shall be a sufficient voucher, on which to issue a charter of said any law, custom or usage to the contrary standing.

An act defining the powers of justices of
within this state.

IT is hereby enacted by the general assembly of the State of Vermont, That every justice within his respective jurisdiction, be, fully authorized and empowered to he termine all pleas and actions, of a where the fines and forfeitures are forty shillings, and the corpore not exceed ten stripes.

It is hereby further enacted:
the peace, within his proper be, and is hereby fully authorized to hear, try and determine civil nature, (other than plevin, trespass upon title of land is concerning other matter in demand four pounds; and all specialties, not exceeding the order judgment and

It is hereby further enacted:
the peace, within his proper be, and is hereby empowered and committed by the court, the entire power to try

Provide
strued, to any cognate within equity, or indirectly determined

It is
the peace, within his proper be, and is hereby empowered and committed by the court, the entire power to try

v, his deputy, or either of the constables of
where the service is to be done, where the
the plaintiff doth not exceed the aforesaid
ag security for the cost of prosecution, in
by law such security is required to be
every such writ of summons or attach-
be served at least six days before the time
ted for the trial. And in every case where
mmons, or attachment, shall be serv-
county, different from the county in
shall be had, the same shall be
lve days before the time therein ap-
nd every such writ of summons,
ery writ of execution, may
ounty in this state.

ted, That if it shall be
that a writ of summons,
tion, by him granted,
nt of a proper officer to
empowered to depu-
he same, by insert-
gning the following
re of the plaintiff's
e and return this
1, shall have all
such writ may
of such writ &
eturn by him
want of form
in every such
office, shall
of the fees

tion cog-
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it,

suit, and shall not have come within the same, a sufficient time before the time appointed for trying the cause, to have appeared and had a trial, the said justice shall continue such action for a time, not exceeding one month; and if the defendant do not then appear, and be so remote that notice of said suit could not probably be conveyed to him, as aforesaid, (unless the plaintiff shall make it appear to the satisfaction of the said justice, that the defendant had notice of the service of such process, a sufficient time before the return thereof, to have appeared at said court and had a trial) then said justice may continue said action, for any further time not exceeding one month; and in cases where judgment shall be entered upon default, (except where such notice, as aforesaid, shall be proved) execution shall not issue, until the plaintiff shall have given bonds, with one or more sureties, in double the value of the estate or sum of money, recovered by such judgment, to refund and pay back, such sum as shall be given in debt or damages, or so much as shall be recovered by writ of review, which may be brought within three years next after entering up the first judgment, if upon such suit the judgment shall be reversed or altered; and the plaintiff in review, shall take benefit of all pleas and advantages, that he might have done upon the original suit; and the security aforesaid shall be no further answerable for the recovery that shall be made in such suit, to be commenced within three years, as aforesaid.

It is hereby further enacted, That no judgment rendered by any justice of the peace, shall be reversed by writ of error.

It is hereby further enacted, That any person, who shall think him or herself, aggrieved by the judgment or sentence of any justice of the peace, shall have liberty to appeal to the next county court, to be holden in the same county, whether the same be a stated or adjourned term; *provided* said appeal shall be entered within two hours after judgment be rendered; and the party claiming such appeal, shall give sufficient security, by way of recognizance, to the adverse party, to prosecute the same to effect, and answer and pay all intervening charges, occasioned to the appellee, by his being delayed, with additional costs, in case judgment be affirmed.

Defendant out of the state cause to be continued one month.

If judgment was rendered by default, execution not to issue until, &c.

Judgment not to be reversed by writ of error.

Appeals allowed.

*Proceed-
ings when
appeals are
not entered.*

It is hereby further enacted, That whenever any person who shall appeal from the judgment of any justice of the peace, as beforementioned, shall fail to bring forward and prosecute his appeal to effect, in manner as is abovementioned, it shall be lawful, in such cases, for the appellee to enter his complaint in the court, to which such appeal did lie; and producing attested copies of the judgment and evidence, necessary for that purpose, to the said court, the said court shall award to the appellee, the debt or damages, and cost, recovered by the first judgment, and the interest thereof, at the rate of twelve per cent. with additional costs.

*No appeal
allowed
under 2l.*

Provided nevertheless, That no appeal shall be allowed, where the judgment for debt or damages, shall not exceed the sum of forty shillings.

*Executions
issued &c.*

It is hereby further enacted, That in all cases where judgment shall be rendered by a justice of the peace, execution may be granted immediately, returnable in sixty days; provided an appeal be not entered, as the law directs.

Offsets.

It is hereby further enacted, That if the plaintiff in any action depending before a justice, shall be indebted to the defendant by note, book, or otherwise, the defendant may plead an offset to the plaintiff's demands, of any sum within the cognizance of a justice, as aforesaid, due to him from the plaintiff; and the plaintiff may likewise plead an offset to the defendant's demands so plead in offset, of any other sum, within the cognizance of a justice, as aforesaid; and the justice shall render judgment for such sum, as he shall find in arrear from either party.

*Judgments
may be off-
set, &c.*

It is hereby further enacted, That where there are mutual judgments recovered between the same parties, in any justice's court, such court may, on motion of either party, offset such judgments against each other, and execution shall issue for the balance only.

Proviso.

Provided always, That no sum, due on bond, bill, note, or other contract, not due and payable before the commencement of the plaintiff's action, nor any bill or note sold, endorsed or assigned to the plaintiff or defendant, shall be allowed in any plea of offset, unless it shall appear on trial, that notice of such sale, endorsement, or assignment was given by the party holding such bill, or note, to the opposite party,

ty, before the commencement of the plaintiff's action, which, in such case, shall be taken to be the day of service of the original writ in the action.

It is hereby further enacted, That no judge of any court, councillor, or justice of the peace, within this state, shall issue any writ of summons or attachment, within the sums beforementioned, returnable before any magistrate other than himself.

No magistrate to issue a writ to be tried before another.

It is hereby further enacted, That any justice of the peace shall have full power, and they are hereby respectively authorized and empowered, to take and accept a confession and acknowledgment of any debt, from a debtor to his creditor, either upon or without an antecedent process, as the parties shall agree; which confession shall be made only by debtor himself in person; and of such confession so made, the justice shall make a record, and shall grant out execution thereon, in due form of law: and if any debtor shall tender such confession to a creditor, and the creditor shall refuse it, he shall not recover any cost that he shall be at, after such tender, in procuring judgment for his debt, unless it appear that such tender was not for the sum due.

Justices may take confessions and grant executions.

It is hereby further enacted, That when it shall happen that any justice of the peace shall remove from the county, in which he is, or shall serve as a magistrate, such justice shall, before his removal from the county, deliver to the county clerk of the same county, all his files and records as a justice, on the pain of forfeiting to the treasury of the county, the sum of five pounds for each month's omission, to be computed from the time of such justice's removal; and prosecuted to effect by the state's attorney of the county.

Justice's removing out of the county, &c.

And when it shall happen that any justice shall die, the executors or administrators of such justice, whether he was in office at the time of his decease or not, shall, within the time limited for taking an inventory of such deceased's estate, deliver to the clerk of the county, as aforesaid, the files and records of such deceased; and on default thereof, shall forfeit as aforesaid; to be recovered and applied as aforesaid: and attested copies of the files and records, made by the clerk with whom they shall be lodged, shall be sufficient evidence in any court in this state.

County clerks to attest copies.

It is hereby further enacted, That an act, passed March

March

*Acts re-
pealed.* March eighth, Anno Domini seventeen hundred and eightyseven, entitled, *An act defining the powers of justices of the peace within this state*, be, and hereby is repealed.

*Time to
take effect
1st Feb.* *It is hereby further enacted*, That this act shall take effect on the first day of February next, and not before : and that the act, defining the powers of justices of the peace within this state, passed the 8th day of March, 1787, be in force until the first day of February next, and no longer. And,

*Form of
juries oath.* *It is hereby further enacted*, That the following oath be administered to a jury, at a justices court, viz. *You, and each of you solemnly swear by the everliving God, that you will well and truly try the matters of difference between the plaintiff and defendant, and a true verdict give according to evidence. So help you God.*

*Passed Oct.
25, 1789.* An act to empower sheriffs and constables to commit persons to goal out of their county.

Preamble. *Whereas there is no legal goal in the counties of Addison and Chittenden, by means whereof the due execution of law is prevented. Therefore,*

*Sheriffs
&c. direc-
ted in their
duty.* **I***t is hereby enacted by the general assembly of the State of Vermont*, That whenever any warrant shall issue, or any judgment shall be duly rendered, by any of the courts of justice in this state, against any person or persons, who shall reside in either of the counties in which there shall not be a good and sufficient goal, it shall be the duty of the said courts, in issuing said warrant or writ of execution, upon any judgment rendered as aforesaid, to command the sheriff, or his deputy or constable, to whom said warrant or writ of execution may be directed, to commit the person or persons, specified in such warrant or writ of execution, to any goal, in any of the counties in this state, as shall, in the judgment of said court, be considered the most convenient : and it shall be the duty of the keeper of the goal in such county, and in such cases to receive such person or persons, and commit and keep him or them within the said prison. And,

*Counties
accountable
for escapes.* *It is hereby further enacted*, That in all cases wherein persons shall be committed to goal, under the directions of this act, and who shall escape therefrom, the county, from whence such prisoner was sent, shall

shall be liable to pay all damages and cost, to the person or persons, who shall be injured by such escape, as aforesaid.

An act declaring the debts due to this state, on interest from the time they respectively became due.

Passed Oct.
29, 1789.

WHEREAS very considerable sums of money, due to this State, have not been paid at the time at which they became due, and still remain unpaid: Therefore,

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That each and every sum of money that now is, or hereafter may become due to this state, be and hereby is declared to be on six per cent. interest *per annum*, from the passing of this act, or from the time such sums shall hereafter become due; and the treasurer, collectors, and every other receiver of state dues, are to take notice hereof, and govern themselves in their respective capacities accordingly.

An act confirming certain grants of land made by this state.

Passed Oct.
29, 1789.

WHEREAS several grants of land have been heretofore made in this state, by resolution of the general assembly, and whereas disputes may arise thereon: Therefore,

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That all grants of land in this state, which have been made by resolutions of the general assembly, previous to the present session, shall be good and valid in law, to all intents and purposes, as if the same had been made by act of the legislature.

ACTS AND LAWS,

Passed by the legislature of the state of
VERMONT, at their session at
Castleton, the second *Thursday*
of *October*, 1790.

An act directing the mode of filling up vacancies which may happen in certain offices therein mentioned.

Passed Oct.
15, 1790.

IT is hereby enacted by the general assembly of the State of Vermont, That whenever a vacancy shall happen

Vacancies in office—by whom filled. happen by death or otherwise, in the office of governor, lieutenant governor, or in the council, such vacancy shall be filled by the joint ballot of the governor, council, and house of representatives.

Passed Oct 15, 1790. An act, to repeal certain parts of an act, entitled, *An act for establishing postoffices within this state.*

Post wages discontinued. **I**T is hereby enacted by the general assembly of the State of Vermont, That that part of an act, entitled, "An act for establishing postoffices within this state," which provides for an allowance to postriders by the mile, be and hereby is repealed.

Passed Oct 21, 1790. An act declaring by whom the printing business of this state shall be performed.

Stateprinting—by whom done. **I**T is hereby enacted by the general assembly of the State of Vermont, That mr. Alden Spooner, of Windsor, be allowed the privilege of printing the laws and necessary business of the state for the present session; and, that from and after the present session, the several laws and other business of the state, shall be printed by messrs. Hawwell and Russell, of Bennington, on the west side, and mr. Spooner, on the east side of the mountain, alternately as the general assembly shall be holden on the different sides of the mountain.

Proviso. *Provided,* They will do the same on as reasonable terms as can be procured from other printers.

Passed Oct. 21, 1790. An act annexing Newhaven gore, to the township of Newhaven.

Boundary of said gore **I**T is hereby enacted by the general assembly of the State of Vermont, That the tract or gore of land called Newhaven gore, bounded southerly on Newhaven, westerly on Ferrisburgh, northerly on Monkton, easterly on Bristol, be, and the same is hereby annexed to the town of Newhaven; and the inhabitants that now are or hereafter shall reside within said gore, shall be, and hereby are considered, as inhabitants of Newhaven, and shall pay taxes, and govern themselves, and be entitled to the same privileges as the inhabitants of said town of Newhaven are governed by and enjoy.

Annexed to *Proviso.* *Provided always,* That if any lands lying within said gore shall be advertised for sale within three years from the passing of this act, such advertisement shall mention such lands belong to said gore.

An act directing the mode of choosing an auditor of *Passed Oct.*
accounts against this state, and pointing out his of- 22, 1790.
fice and duty.

IT is hereby enacted by the general assembly of the *How ap-*
pointed.
state of Vermont, That there be appointed an-
nually, by the joint ballot of the governor and
council (or such of them as shall be present) and the
general assembly, an auditor of accounts against this
state; who shall be under oath for the faithful dis-
charge of his duty. And it shall be the duty of *His duty.*
such auditor, to examine and allow all accounts a-
gainst this state, except such as the supreme court by
law may examine and allow, and also to draw orders
upon the treasurer of this state, for such sum as he
may find justly due; and the treasurer is hereby di-
rected to pay no monies out of the treasury on any or-
ders hereafter to be drawn, other than such orders as
shall be drawn by the governor and council, on mon-
ies appropriated by the general assembly, the general
assembly, the judges of the supreme court, or the
said auditor of accounts: and the said auditor shall
keep a record of all accounts he shall so allow, and
minute the date and sum of any order he shall so draw
on the treasurer: and the said auditor shall attend at
each session of the legislature, and shall lay before
them at their session in October, annually, a statement
of all accounts he shall have allowed the preceding
year. And said auditor shall receive for his services *Compensa-*
six shillings per day for the time he shall attend on *tion for his*
the legislature, and for his other services such other *services.*
sum as the general assembly shall at any time think
proper to allow.

Provided, That such auditor be not empowered to *Provide.*
allow any accounts which have accrued more than
two years before the passing this act, but shall refer
the same to the legislature.

An act dividing the county of Windsor into half *Passed Oct.*
shires. 27, 1790.

IT is hereby enacted by the general assembly of the
state of Vermont, That the next stated session of
the supreme court for the county of Windsor, shall *Courts—*
be holden at Woodstock, within said county; and *where to sit*
thereafter, the said supreme court shall sit alternately
at Windsor and Woodstock, for said county. And the
next stated session of the county court for said coun-
ty,

ty, shall be holden at said Woodstock; and thereafter the said county court shall sit alternately at said Windsor and said Woodstock.

Proviso.

Provided always, and this grant is upon this express condition, That the courthouse in said Woodstock and the courthouse in said Windsor shall be finished by the respective towns, free of any expense to said county, and furnished with good iron stoves, to the acceptance of the judges of the supreme court, before the next stated term of that court in said county.

Pass. Oct.

27, 1790.

An act for forming a new probate district in the northeastern part of the county of Orange, and two other districts in the county of Chittenden.

Guildhall district.

I*T is hereby enacted by the general assembly of the State of Vermont, That the following tract of land, lying in the northeastwardly part of the county of Orange, be, and hereby is formed into one entire probate district, to be called and known by the name of the District of Guildhall, viz. Beginning at the northeast corner of this state, and running down Connecticut-river to the southwest corner of the township of Lunenburg—thence on the westwardly line of the said township of Lunenburg to the southwardly line of Victory—thence on the westwardly and northerly lines of the township of Victory, Easthaven, Newark, Westmore, Brownington, and Salem, in such manner as to include the whole of the aforementioned towns to the northwestwardly line of the county of Orange—thence on said line to the north line of this state—thence eastward on said line to the bounds first mentioned. And,*

Boundaries

Boundaries of Alburgh district.

It is hereby enacted by the authority aforesaid, That the Twoheroos, the Isle of Mott, and that part of Alburgh lying west of Michisqui Bay, & all the other islands of Lake Champlain, in the county of Chittenden, north of Colchester Point, so called, be, and hereby are formed into one entire probate district, to be called and known by the name of the District of Alburgh. And,

Boundaries of Georgia district.

It is hereby further enacted, That the tract of land in the county of Chittenden, lying north and northeastwardly of the towns of Colchester, Essex, Jericho, Bolton, Waterbury and Middlesex, except that which is included in the district of Alburgh, be, and hereby is formed into one entire probate district.

to be called and known by the name of the *District of Georgia*: any thing in any law of this state to the contrary notwithstanding.

An act altering the name of the town of Minden, in the county of Orange, to that of Craftsbury.

Passed Oct.

WHEREAS from a similarity of sound between the names of Minden and Lynden people often mistake one for the other: Which to prevent in future,

27, 1790.

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the tract of land incorporated into a township by the name of Minden, shall in future be called and known by the name of Craftsbury. And,

Name altered.

It is hereby further enacted by the authority aforesaid, That all advertisements respecting said township, which shall be published within two years from the passing this act, shall describe said township by the name of Craftsbury, alias Minden.

advertisements to particularize the towns.

An act, in addition to an act, entitled, *An act defining the powers of the supreme and county courts within this state.*

Passed Oct.

27, 1790.

WHEREAS in and by the fourth enacting paragraph in said statute, as well the judges of the county courts as the judges of the supreme court of judicature are empowered and authorized to chancery forfeitures and penalties in divers cases; and doubts having arisen whether said courts are empowered to chancery the penalties or forfeitures arising on bonds or recognizances given or taken in criminal actions—

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That as well the judges of the county courts as the judges of the supreme court be, and hereby are authorized and empowered to chancery the penalties or forfeitures that have arisen, or may arise, on any bond or recognizance given or taken in any criminal cause or action whatsoever, in the same wise as they are empowered, by the aforesaid statute, to chancery penalties or forfeitures in civil actions: any law, usage or custom, to the contrary, notwithstanding.

Courts empowered to chancery.

An act appointing an attorney-general, and regulating his office and duty

Passed Oct.

28, 1790.

WHEREAS it appears to this legislature, that there has been great neglect in collecting and
K k
paying

Preamble,

paying into the state's treasury, the fines, penalties, and costs that have accrued to the state in prosecuting state criminals, whereby the fines of the state have been greatly impaired, occasioned by the want of some proper officer duly authorized to collect, and be responsible for the same. *Therefore,*

*Attorney
general ap-
pointed,*

his duty

and power

I*T is hereby enacted by the general assembly of the State of Vermont,* That there shall be appointed annually, at the October session, by ballot of the house of representatives, an attorney-general, in the same manner as the secretary of state is chosen; who shall be duly sworn for that purpose, and under a bond to the treasurer of the state, with sufficient sureties, in such sum as the general assembly shall direct, for the faithful discharge of his office. Whose duty it shall be to prosecute all matters and causes that are properly cognizable by the supreme court, in behalf of the state—to advise with the judges of said court in settling the form of all mandatory and other select writs—to file informations ex officio in said court, in all matters proper therefor.—And who shall have full power to take all legal measures to collect all such fines, penalties, costs and sums of money that may have been or shall be adjudged, laid or assessed by said court, and which by law belongs to the state's treasury, and pay the same over to the treasurer when collected.—And who shall annually account with the auditor appointed to settle with the state's treasury. *And,*

*Deputy
may be ap-
pointed.*

It is hereby further enacted by the authority aforesaid, That when it shall so happen that the attorney-general cannot attend any session of said court, he shall have power to appoint a deputy, to officiate in said office; for whose faithfulness in the same, the said attorney-general shall be responsible. And in case of misbehavior, the supreme court shall have power to suspend the said attorney-general and appoint another in his stead, to officiate during his suspension, who shall have all the powers, and under the same regulations during his appointment, as is by this act given to the attorney-general. *And,*

It is hereby enacted by the authority aforesaid, That it shall be the duty of the said attorney-general, as soon as may be after the end of every session of the supreme court, to cause to be made a schedule of such
fines,

fines, penalties, costs and sums of money as accrue *Schedule,*
to the state during their circuit as aforesaid; and also *&c. to be*
a fair statement of the expenditures and costs in each *made and*
prosecution for actions so by him prosecuted by him *returned to*
as aforesaid, and return the same to the treasurer of *the state*
the state for the time being. And, *treasurer.*

It is hereby further enacted by the authority aforesaid, That so much of the act for the appointment *An repeal-*
and regulating attorneys, and pleading at the bar, as *ed.*
authorize and empowers the several state's attorneys,
in behalf of the state, to prosecute in the supreme
court, be, and hereby is repealed. And,

It is hereby enacted by the authority aforesaid, That *Perquisites*
the said attorney-general shall be entitled to the same *of the at-*
fees and perquisites as are now allowed by law to the *torney-gen.*
several state's attorneys within this state.

An act directing the payment of thirty thousand dol- *Passed Oct*
lars to the state of Newyork, and declaring what *28, 1789.*
shall be the boundary line between the state of
Vermont and state of Newyork—and declaring
certain grants therein mentioned, extinguished.

WHEREAS Robert Yates, John Lansing, jun.
Gulian Verplank, Simeon De Witt, Egbert
Benson, and Melancton Smith, esquires, com- *Preamble.*
missioners, appointed by an act of the legisla-
ture of the state of Newyork, entitled, "An
act appointing commissioners, with power to
declare the consent of the legislature of the state
of Newyork, that a certain territory within the
jurisdiction thereof, should be formed into a new
state—passed the fifth day of March, A. D.
1790—did, by their certain act on the seventh
day of October instant, at Newyork, by virtue
of the powers to them granted for the purpose,
among other things, declare the consent of the
legislature of the state of Newyork, that the
state of Vermont be admitted into the union of
the United States of America; and that imme-
diately from such admission, all claims of juris-
diction of the state of Newyork, within the
state of Vermont, should cease; and thence-
forth the perpetual boundary line between the
state of Newyork and state of Vermont, should
be as follows, viz. Beginning at the northwest
corner of the state of Massachusetts—thence
westward

Preamble,

paying into the state's treasury, the fines, penalties, and costs that have accrued to the state in prosecuting state criminals, whereby the fines of the state have been greatly impaired, occasioned by the want of some proper officer duly authorized to collect, and be responsible for the same. *Therefore,*

*Attorney
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pointed,*

his duty

and power

I*T is hereby enacted by the general assembly of the State of Vermont,* That there shall be appointed annually, at the October session, by ballot of the house of representatives, an attorney-general, in the same manner as the secretary of state is chosen; who shall be duly sworn for that purpose, and under a bond to the treasurer of the state, with sufficient sureties, in such sum as the general assembly shall direct, for the faithful discharge of his office. Whose duty it shall be to prosecute all matters and causes that are properly cognizable by the supreme court, in behalf of the state—to advise with the judges of said court in settling the form of all mandatory and other select writs—to file informations ex officio in said court, in all matters proper therefor.—And who shall have full power to take all legal measures to collect all such fines, penalties, costs and sums of money that may have been or shall be adjudged, laid or assessed by said court, and which by law belongs to the state's treasury, and pay the same over to the treasurer when collected.—And who shall annually account with the auditor appointed to settle with the state's treasury. And,

*Deputy
may be ap-
pointed.*

It is hereby further enacted by the authority aforesaid, That when it shall so happen that the attorney-general cannot attend any session of said court, he shall have power to appoint a deputy, to officiate in said office; for whose faithfulness in the same, the said attorney-general shall be responsible. And in case of misbehavior, the supreme court shall have power to suspend the said attorney-general and appoint another in his stead, to officiate during his suspension, who shall have all the powers, and under the same regulations during his appointment, as is by this act given to the attorney-general. And,

It is hereby enacted by the authority aforesaid, That it shall be the duty of the said attorney-general, as soon as may be after the end of every session of the supreme court, to cause to be made a schedule of such fines,

fines, penalties, costs and sums of money as accrue *Schedule,*
 to the state during their circuit as aforesaid; and also *&c. to be*
 a fair statement of the expenditures and costs in each *made and*
 prosecution for actions so by him prosecuted by him *returned to*
 as aforesaid, and return the same to the treasurer of *the state*
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 diately from such admission, all claims of juris-
 diction of the state of Newyork, within the
 state of Vermont, should cease; and thence-
 forth the perpetual boundary line between the
 state of Newyork and state of Vermont, should
 be as follows, viz. Beginning at the northwest
 corner of the state of Massachusetts—thence
 westward

westward along the south boundary of Pownal, to the southwest corner thereof—thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held and possessed, to the river commonly called Poultney-river—thence down the same, through the middle of the deepest channel thereof, to East-bay—thence through the middle of the deepest channel of East-bay, and the waters thereof, to where the same communicate with Lake Champlain—thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Twoheroes, and to the westward of the Isle la Mott, to the forty fifth degree of north latitude. And the said commissioners, by virtue of the powers to them granted, did declare the will of the legislature of the state of Newyork, that if the legislature of the state of Vermont should, on or before the first day of January, one thousand seven hundred and ninetytwo, declare, that on or before the first day of June, one thousand seven hundred and ninetyfour, the said state of Vermont, would pay the state of Newyork the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of Newyork, or from the state of Newyork (except as is therein excepted) should cease—Wherefore,

*The sum—
and when
paid.*

*Who to pay
it.*

IT is hereby enacted by the general assembly of the state of Vermont, That the state of Vermont shall, on or before the first day of June, one thousand seven hundred and ninetyfour, pay the state of Newyork thirty thousand dollars. And the treasurer of this state, for, and in behalf of this state, and for the purposes mentioned in the act of the commissioners aforesaid, shall pay to the state of Newyork the sum of thirty thousand dollars, on or before the first day of June, 1794.

It is hereby further enacted, That the said line, described in the said act of the said commissioners, shall henceforth be the perpetual boundary line between the state of Vermont and the state of Newyork: and all grants, charters, or patents of land, lying within the state of Vermont, made by, or under the government of the late colony of Newyork, except such grants, charters, or patents as were made in confirmation of grants, charters, or patents made by, or under the government of the late province or colony of Newhampshire, are hereby declared null and void, and incapable of being given in evidence in any court of law within this state.

*Boundary
of Ver-
mont.*

*Grants,
&c. nulli-
fied.*

An act, in explanation of an act, entitled, *An act for the limitation of actions.* Passed Oct. 28, 1790.

WHEREAS in and by said act it is enacted,

Preamble.

“ that all actions of covenant, trespass, quare clausum fregit, detinue, actions for trover and replevin, all actions of account and upon the case, all actions of debt without specialty, all actions of assault, menace, battery, wounding, imprisonment, or any of them which shall be sued or brought at any time after the end of the present session of assembly, shall be commenced and sued within the time herein after expressed, viz. the said actions of covenant, actions upon the case, (other than for slander and those brought on promissory notes) the said actions of account, the said actions for trespass, (other than for assault, menace, battery, wounding and imprisonment) debt without specialty, detinue and replevin, and the said actions of trespass, quare clausum fregit, within three years next after the passing hereof, or within six years next after the cause of such actions or suits shall accrue, and not after.” And whereas said act was suspended from the tenth day of March, 1787, not to take effect until the first day of December, 1788, and doubts have arisen from which of those dates said statute should be construed to make the time of limitation begin—

I*T is hereby enacted by the general assembly of the state of Vermont,* That the first day of December, in the year of our Lord one thousand seven hundred and eighty seven, be, and hereby is declared to be, the day

*Time of
limitation
—when to
begin.*

day from which the time of limitation, as to the passing of the aforesaid statute shall begin : any thing contained therein to the contrary notwithstanding,)

ACTS AND LAWS,

Passed by the legislature of the state of
VERMONT, at their session at
Bennington, the second *Monday*
of *January*, 1791.

Passed Jan
18, 1791.
Preamble.

An act declaring the town of Hancock to be and belong to the county of Addison.

Whereas disputes have arisen whether the town of Hancock belongs to, or is included within any county in this state. Therefore,

Hancock
annexed to
the county
of Addison

IT is hereby enacted by the general assembly of the State of Vermont, That the township of Hancock, be, and hereby is, declared to be within the county of Addison; and the same shall in future be considered and esteemed, for all intents and purposes, as part of the county of Addison.

Passed Jan
18, 1791.

An act repealing the providing clause in an act, entitled, "*An act dividing the Two Heroes into two towns.*"

Preamble.

WHEREAS by said providing clause, the towns of Northhero and Southhero can have but one representative—and whereas it is represented that said towns are twentyfour miles in length, which makes it very inconvenient for the freemen to meet and choose representatives—therefore.

IT is hereby enacted by the general assembly of the State of Vermont, That the providing clause of said act be and is hereby repealed.

Passed Jan
19, 1791.

An act directing the manner of choosing senators to represent this state in the senate of the United States of America.

It is hereby enacted by the general assembly of the State of Vermont, That the senators for this state to the congress of the United States, shall, for the time being, be chosen in the manner following :

The house of representatives and the governor and council,

council, shall in their respective houses, at a time previously agreed upon for that purpose, each ballot for one or two persons according to the number of senators to be chosen; and the name or names of the person or persons so balloted for, having a majority of the whole number of votes in each house respectively, shall be entered upon their minutes, by their respective secretaries, immediately after which both houses shall meet in grand committee, before whom the names of the persons having a majority of votes, and entered as aforesaid, shall be published—which grand committee shall thereupon proceed immediately to choose the number of senators necessary out of the names so published, by ballot—and the person or persons who shall have the majority of all the votes in such grand committee shall be the senator or senators, and declared to be duly elected.

The house of assembly, and governor and council, to nominate 2 persons each.

Both houses to meet in grand committee, and elect senators out of the persons nominated.

Proviso.

Provided nevertheless, If the same person or persons shall have a majority of votes in each of the two houses, balloting separately as aforesaid, such person or persons shall be deemed to be, and declared duly elected, to the office of senator or senators.

And be it further enacted by the authority aforesaid, That it shall be the duty of the governor for the time being, to certify under the seal of the state, to the president of the senate of the United States, the person so chosen, to have been elected according to law, —which certificate shall be counter signed by the secretary of state.

Governor to give certificate under the seal of the state & counter signed by the secretary of state.

An act directing the width of sleds in the counties of Windsor and Orange.

Passed Jan 29, 1791.

IT is hereby enacted by the general assembly of the State of Vermont, That from and after the first day of November next, no person or persons shall at any time between the tenth day of November and the tenth day of April drive any ox sled being the property of an inhabitant of the counties of Windsor or Orange, in any public road or highway in either of said counties, unless such sled be four feet wide, measuring the same at right angles with and from the extreme sides of the runners.

Sleds in Windsor & Orange county to be 4 feet wide

And if any person or persons shall after the first day of November next, and between the tenth day of November and the tenth day of April, drive any ox sled of a less width than is herein before described, being

Or forfeit 5s

being the property of any inhabitant of the counties aforesaid, in any public road or highway, in either of the counties of Windsor or Orange, he or they so offending, and being thereof duly convicted, shall forfeit and pay the sum of five shillings lawful money for every such offence, to and for the use and benefit of the person who shall prosecute the same to effect.

And no appeal shall be allowed from the judgment of any court that shall by law have cognizance of the breach of this act

Passed Jan
24, 1791.

An act limiting the act, entitled, *an act for dividing the county of Windsor into two half shires*

IT is hereby enacted by the general assembly of the state of Vermont, That said act, entitled *an act for dividing the county of Windsor into two half shires*, passed at Castleton, in October last, shall remain in full force for three years after the passing said act, and from and after said term of three years the town of Woodstock shall be and remain as the shire town in said county, any thing in said act to the contrary notwithstanding.

Passed Jan
25, 1791.

An act to suspend the operation of an act, entitled *an act to compel the fulfilment of contracts according to the intent of the parties*

IT is hereby enacted by the general assembly of the state of Vermont, That an act entitled, *An act to compel the fulfilment of contracts according to the intent of the parties*, shall not extend to, or affect any contracts which shall be made or entered into after the first day of June next.

Passed Jan
25, 1791.

An act to repeal the second section of an act entitled, *An act relating to estates that have been confiscated by the authority of this state.*

IT is hereby enacted by the general assembly of the state of Vermont, That the second section of an act, entitled, *An act relating to estates that have been confiscated by the authority of this state*, passed October 24, 1788, be and hereby is repealed.

Passed Jan
26, 1791.

An act appointing inspectors of pot and pearlsashes.

IT is hereby enacted by the general assembly of the state of Vermont, That there shall be appointed by the general assembly, suitable persons within this state, at the most convenient places, who shall be duly sworn

to the faithful performance of their duty, who are hereby empowered and directed to inspect all pot and pearl ashes for exportation or otherwise, that shall be offered for inspection in the state of Vermont, and all pot and pearl ashes so inspected, shall be branded with the name, Vermont, together with the name of the person so inspecting, and shall certify the same by a certificate of the brand as aforesaid, together with the quality of the ashes. And each inspector shall be entitled for his fees to one shilling for each barrel so inspected, to be paid by the owner or owners of the said pot or pearl ashes.

An act in addition to an act entitled, *an act for the due observation of the Sabbath or Lord's day.* *Passed Jan 20, 1791.*

WHEREAS said act is found insufficient to prevent unnecessary travelling, journeying and driving teams and droves on the Sabbath or Lord's day, or the first day of the week. *Preamble.*

IT is hereby enacted by the general assembly of the State of Vermont, That every sheriff, constable, grand juror and tythingman be, and they are hereby, within their respective precincts, empowered and directed, without warrant, to apprehend any person unnecessarily traveling, journeying or driving sleighs, teams, or droves, on the sabbath, and such person or persons safely keep, and have before the next assizes or justice of the peace on the day next succeeding, to be dealt with as the law directs; and each and every of the officers aforesaid, are hereby vested with the same power to command necessary assistance as is by law given to constables in the discharge of their office and duty, and all persons disobeying such command shall be liable to the same pains and penalties to which persons refusing to assist sheriffs in their office and duty, when thereunto commanded, are by law subjected. *Sheriffs, &c. empowered & directed to stop people from travelling.*

Provided always, That it shall and may be lawful for any justice of the peace within this state, upon application the day preceding, and having the reasons therefor stated to him, if he shall think proper, to give a pass or passes to the person or persons so applying, to travel on said day, with sleighs, teams or otherwise; and such pass produced to the officer or officers aforesaid, shall be a full protection to the person or persons traveling as aforesaid, any thing in the act aforesaid notwithstanding. *Proviso.*

Passed Jan An act dividing the the town of Williston and part
26, 1791. of the town of Burlington, into two seperate ecclesiastical societies.

*Divisonal
lines of the
societies de-
scribed.*

IT is hereby enacted by the general assembly of the State of Vermont, That the town of Williston in the county of Chittenden, and the east part of the town of Burlington, be, and hereby is formed into two ecclesiastical societies, with all the privileges of other ecclesiastical societies within this state, in the following form or manner, viz. that all the lands contained within the following lines be formed into one society, beginning at the southeasterly corner of the great body of lots laid out in Williston aforesaid, running northerly in the line of said body of lots to the corner of three hundred acres of land laid out on the original right of John Brush, thence easterly in the line of said three hundred acres, to the northeast corner of said three hundred acres, thence to the corner bounds of governor Chittenden and general Spafford's home farms, which stand on the bank of Onionriver, thence down said river as it runs, until it comes two miles and a half on a strait line from the northeast corner of Burlington, then turning and running southerly in a line parallel with the east line of Burlington, to the south line thereof, then turning easterly, in the south line of said Burlington and Williston, till it comes opposite to the first mentioned corner, thence to the corner first begun at.

And that all the lands easterly of said line, dividing the town of Williston, within said town of Williston, be and remain in one other ecclesiastical society, any law of this state to the contrary notwithstanding.

Passed Jan An act directing listers in their office and duty, and
26, 1791. repealing certain acts therein mentioned.

PART I.—Section 1.

*Listers to
set up a
warning.*

IT is hereby enacted by the general assembly of the State of Vermont, That all the listers of the several towns in this state, being sworn to the faithful discharge of their office, shall, by themselves, or one or more, deputed by them, some time in the month of May, annually, warn all the inhabitants, proper to be listed, in their towns or districts, to give in to them their respective lists, by posting up a warning for

for that purpose, in three or more of the most public places in such towns. And the said inhabitants being so warned shall give in to the listers in writing, a true account of all their rateable polls and estate, being their property or belonging to them, on the twentieth day of June following, at or before the tenth day of July following, particularly mentioning therein all such things as are in this act hereafter expressly valued, signed with their names or marks, which accounts said listers shall accept, adding thereto according to their best judgment, a value for all things herein after mentioned in this act to be listed, that are not particularly valued, and make the whole into one general list.

Persons to give in a list of estate possist June 20th, by the 10th of July.

Listers to add a valuation and make up a general list.

Section 2. And that every person or persons, having any land or real estate, proper to be rated, in any other town than where such person dwells, shall give in to the listers of such town where such estate is, a true list thereof, in manner abovementioned, without any warning given by the listers of said town where such estate is liable to be rated as aforesaid, (other than such as is herein before mentioned) or be liable to be twofolded.

Owners of lands in different places to give in a list without warning

Section 3. That the listers shall return the sum total of the list to the general assembly in October annually, with a certificate from the justice or town clerk, before whom the said listers were sworn, that they were sworn to the faithful discharge of their office, some time before the fifth day of May preceding.

Listers to make return, &c.

Section 4. And the listers of every town, who shall neglect carrying, or sending by one of the representatives, to the general assembly, the sum total, and certificate, shall forfeit and pay to the treasury of this itare five pounds.

Fine for neglecting.

Section 5. That if no sum be returned from any town, or there be no such certificate, or if the sum returned be not satisfactory, such town shall be doomed by and at the direction of the general assembly.

Towns doomed if no list.

Section 6. That the listers, after the 10th day of August annually, shall, and they are hereby required, carefully to inspect said list until the 25th day of the preceding September, and to add twofold for all the polls and rateable estate which they shall find left out of the list by any person or persons, the property whereof

Listers after the 10th of Aug. to inspect lists and add two folds.

whereof did belong to such person or persons the 20th day of June preceding. And if any doubt shall arise thereon, said estate shall be adjudged or reputed the property of the person assessed for the same, until he can shew it to have been the property of some other person on the said 20th of June. And also to add to said lists, twofold for the whole rateable estate and polls of all such persons as have given in no lists, as a penalty on such persons for their neglect, who shall pay rates for the same according to their twofold assessments.

*Half to
litters.*

Section 7. And one half of all sums arising from such additions shall, by the constables or collectors of rates, be paid to the litters as a reward for their trouble; and the other half shall be for the use for which such rates are made.

*Twofolds
added &c.*

Section 8. And the said litters shall add the sum total of such additions and twofolds, to the sum beforementioned, and transmit the same to the assembly, with such additions, on pain of paying the above-mentioned penalty.

*Litters to
take receipt
or pay 3l.*

Section 9. That the said litters shall annually, some time in the month of October, deliver the lists of the polls and rateable estates of the inhabitants of their town, by them made, to the clerk of the town, taking his receipt for the same, on penalty of paying three pounds, each litter so neglecting, to the treasurer of the town, to be recovered by action, to be brought on this statute.

*Persons o-
vercharged
relieved.*

Section 10. That when and so often as any person or persons are overcharged in their lists, it shall be the duty of the litters to grant relief in such cases, only where the estate shall appear not to have belonged to the persons on the 20th day of June preceding, or that it was not left out by them through their neglect or wilfulness, but from sufficient grounds to think it was lost, and that so soon as he was sensible of his duty therein, he did offer his estate *bona fide*, to be entered on the public list by said litter or litters; or when traders, owners of mills &c, licensed attorneys, shall think themselves overrated, & in case the litters do refuse to grant such relief, upon application of the aggrieved party, a justice of the peace, with two of the selectmen of the town, may consider the case as they shall judge just & agreeable to this act, first notifying two or more of the litters to attend,

*Litter. re-
fusing re-
lieve, how
dealt with.*

attend, and shew cause, if any they have, why such relief should not be granted.

Section 11. That if any of the listers in the respective towns, do neglect, within the time ordered by law, to notify as aforesaid the persons within their respective precincts to bring in their lists, as aforesaid, in every such case such listers are hereby required, at any time before the twentieth of September next following, to demand such list of every person so neglecting. *Lists, when demandable*

Section 12. And if any person, of whom such list is demanded as aforesaid, shall neglect to bring in a true list of his estate to the listers, so demanding the same, within five days after the demand, that then such listers shall make a list for the person so neglecting, according to the best of their judgment, and return the same to the general assembly, and all persons shall be accordingly assessed in the several rates to be made on such lists. *Listers to make up lists.*

PART II.—Section 1. It is hereby enacted by the authority aforesaid, That all male persons, in the several towns in this state, from twentyone years old to sixty, (ministers of the gospel, the president and tutors of colleges, annual schoolmasters, and students of colleges, until after three years after taking their first degree, excepted) shall be set in the list, each person at six pounds. *What polls are rateable*

Section 2. And all estate herein after mentioned shall be set in the list as follows, viz. Every ox of four years old and upwards, at three pounds. Each steer, bull, heifer, or cow, of three years old and upwards, at two pounds. Each bull, steer, or heifer, of two years old, at one pound ten shillings. Each bull, steer, or heifer of one year old, fifteen shillings. Each horse or mare, of three years old and upwards, four pounds. All horse kind, of two years old and upwards each two pounds. And all horsekind of one year old, each twenty shillings; except seed horses or stallions of two years old and upwards, which shall be set at twenty pounds each. *What creatures are set in the list.*

Section 3. That all lands within this state after being improved two years, either for pasture, plowing or mowing, or stocked with grass, and within enclosure, shall be set in the list at ten shillings per acre, except in the following case, viz. that every acre of land, properly cleared and tilled for orcharding, and planted *Orchards excepted.*

MS 1796 276-1

planted with apple trees, and containing not less than forty trees to an acre, shall be exempted from the list for the term of ten years, provided the said number of trees are continued growing on said land.

Money, &c at 20l. for every 100l. **Section 4.** And every person having money on hand, or due to them, or obligations for goods or produce, over and above all debts due from them, shall put the same in the annual list at the rate of 20l. for every hundred pounds; and in case the listers shall suspect any person or persons have not given in the full sum of money on hand, or due, or obligations as aforesaid, the listers are hereby empowered to call such person or persons before them, there to give in such list on oath, and either of the said listers are empowered to administer such oath.

Creatures taxed &c. liable to sale for taxes. **Section 5.** That all creatures rateable by law, that are put upon any farm in this state, not being in the town where the owner dwells, but under the occupancy and improvement of a tenant, shall be put into the list of the rateable estate of the tenant in the town where such farm lies, and shall be liable to be taken and sold for the tax. And in all other cases, all creatures, rateable by law, shall be put into the list of the polls and rateable estate of the owners thereof in the towns where they dwell.

Estate, &c exempted. **Section 6.** That the ministers of the gospel that are or hereafter may be settled in this state, and the president of the college, (during the continuance of their public service in the gospel ministry and presidency) shall have all their estate lying in the town where they live, not exceeding five hundred pounds in value, exempted, as also all lands in this state sequestered and improved for schools, and other public, pious and charitable uses, shall be exempted; and such persons who are disabled by sickness, lameness, or other infirmities, shall be exempted.

Public land exempted. **PART III. Sec. I.** *It is hereby further enacted by the authority aforesaid,* That all traders and owners of mills within this state, and licensed attornies, shall be rated in the list proportionable to their gains, according to the best judgment and discretion of the listers.

Traders &c assessed. And for enabling the said listers to recover their part of the twofold assessments out of the hands of the officers collecting the same.

PART IV. Section I. *It is hereby enacted by the authority aforesaid,* That when any constable or collector

or of rates, shall neglect or refuse to make payment to the listers, of any such sum or sums of money, as shall become due to them from such constables or collectors, on account of such twofold assessments, it shall be lawful for such listers, to make application to the next justice of the peace, who shall be and is hereby empowered to issue process against said constable or collector, for the recovery thereof, which shall be tried and determined according to law.

PART V. *Section 1.* And it is hereby further enacted by the authority aforesaid, That the act, entitled *Listers secured in their part of twofolds.* An act directing listers in their office and duty, passed October 26th, 1787, and an act, entitled, *Acts repealed.* An act in addition to and alteration of an act, entitled, An act directing listers in their office and duty, passed October 24th, 1788, and also an act entitled, An act in addition to an act directing listers in their office and duty, passed October 27th, 1789, be and hereby are repealed.

An act repealing the fourth section of the act regulating the militia of this state, passed 24th October, 1788, and pointing out the duty of the several major-generals in this state. *Passed Jan 27, 1791.*

IT is hereby enacted by the general assembly of the state of Vermont, That the fourth section of the act regulating the militia of this state, passed 24th October 1788, be and hereby is repealed.

And it is hereby further enacted by the authority aforesaid, That it shall be the duty of the several major-generals, once in three years, to review the whole of the militia within their several divisions, at such times and places as they shall appoint, either by regiments or otherwise, giving notice of the same in general orders, at least two months before the day appointed for such review.

An act in addition to and alteration of an act, entitled *Passed Jan 27, 1791.* An act for summoning juries, and directing grand jurors in their duty.

IT is hereby enacted by the general assembly of the state of Vermont, That some convenient time previous to the setting of each stated or adjourned supreme or county court, the clerk of the respective county courts, and the clerk of the supreme courts, shall issue a venire, directed to the sheriff of the county where such courts are to sit, or to his deputy, to *Clerks to issue ven- uires to the sheriffs,* summon

*To summon
petit jury.*

summon so many freeholders, within the said county, as the clerk shall think proper, particularly mentioning the number to be summoned from each town, who shall serve as petit jurors to said court, and to attend at eight o'clock in the morning of the second day of the sitting of such court.

*And grand
jury.*

And it is further enacted, That whenever the attorney general shall think it necessary for the grand jury to attend the supreme court, it shall be his duty to notify the same to the clerk of said court, a sufficient time before the sitting of the same, who shall issue his venire, directed as aforesaid, requiring him to summon as many able freeholders as are mentioned in said venire, from the different towns therein mentioned, not exceeding twentyfour, nor less than thirteen to attend on said court, on the first day of the sitting of the

*When
grand jury
must attend*

same, at ten o'clock in the forenoon. And in order that said jury should be impartially summoned, it shall be the duty of the sheriff or his deputy, who shall receive said venire, to repair to the respective clerks of the towns out of which the jury is directed to be summoned, and the town clerk with the advice of one or more justice of the peace, within said county, shall agree upon three times the number of able freeholders in said town, and out of that number shall draw, by lot, the number required for grand jurors, who shall be summoned as aforesaid.

How summoned.

*Sheriff to
return certificates,*

And the sheriff or his deputy, as aforesaid, shall make timely return of such venuries to the clerk of the court, in which the jurors are summoned to appear, with his endorsement thereon, certifying whom he has summoned for the purposes aforesaid, on pain of forfeiting to the treasurer of the state, if the venire shall be returnable to the supreme court, and to the treasurer of the county, if returnable to the county court, a fine, not exceeding five pounds, at the discretion of the court; unless said sheriff shall make a reasonable excuse, to the satisfaction of said court.

*Or pay a
fine.*

*Penalty for
non attendance of
jurors.*

And if any juror, summoned as aforesaid, shall not appear after being duly summoned, as aforesaid, and shall not render an excuse to the satisfaction of the court before which he is summoned to appear, he shall pay a fine of thirty shillings to the treasurer of the state, if default be made in the supreme court, and to the treasurer of the county, if the default

fault shall be made in the county court, and cost of prosecution.

And the sheriff shall pursue the same method in summoning the petit jurymen, as is provided by law for constables in their respective towns, any act, law or usage of this state to the contrary notwithstanding.

Sheriff's duty in summoning petit jury.

An act in alteration of an act, entitled, *An act regulating the office and duty of sheriffs.*

Passed Jan 27, 1791.

IT is hereby enacted by the general assembly of the state of Vermont, That the respective sheriffs in the counties of Orange and Chittenden, may appoint and empower four deputies, and a goal keeper, in each of their several counties, and the sheriff of the county of Windham, three deputies and a goal keeper; any law of this state to the contrary notwithstanding.

Number of sheriff's deputies, &c.

An act directing collectors of land taxes in their office and duty.

Passed Jan 27, 1791.

IT is hereby enacted by the general assembly of the state of Vermont, That no collector of a land tax shall receive more than four pence for each right over and above the tax and cost of advertising, which costs shall be proportioned on all the rights advertised, which sum of four pence shall be for receipting the money before the lands are sold, and any person shall have the right of paying taxes on lands before sold.

Collector's fees. Cost, how proportioned.

An act dividing this state into districts, for electing representatives in congress.

Passed Jan 27, 1791.

IT is hereby enacted by the general assembly of the state of Vermont, That the counties of Bennington and Windham be and they are hereby formed into one entire district, for the purpose of choosing one representative to represent this state in congress. And that the counties of Windsor and Orange be and they are hereby formed into one entire district, for the purpose aforesaid. And that the counties of Rutland, Addison, and Chittenden, be and they are hereby in like manner formed into one entire district, for the purpose aforesaid.

Districts how limited

It is hereby further enacted, That if this state shall be allowed but two representatives in congress, that then, and in such case, the counties of Bennington, Rutland, Addison, and Chittenden, be and they are

C

hereby

hereby formed into one entire district, for the purpose aforesaid. And that the counties of Windham, Windsor, and Orange, be and they are hereby formed into one entire district, for the purpose aforesaid.

*Manner of
choosing
representa-
tives.*

*Ballots to
be sealed
up,*

*and trans-
mitted to
the clerks
of county
courts.*

*who are to
make re-
turn to
the gov-
ernor
in case of
no election
the first
meeting*

It is hereby further enacted, That the governor of this state, for the time being, be and he hereby is empowered and directed, upon his receiving official information, that this state is admitted into the union, and of the number of the representatives by whom this state is to be represented in the congress of the United States, to issue his writs of election to the first constable or selectmen in each town, in the several districts, requiring them to warn the freemen of their respective towns, in the same manner as is directed by law, for warning freemens meetings, to meet on such day as the governor shall appoint, and at the place usual for holding freemens meetings in their respective towns, and which meeting shall be governed as is by law directed for the government of freemens meetings; and the freemen, when met, shall proceed to bring in their ballots for the person they shall choose as a representative in the congress of the United States, to the presiding officer of such meeting, which presiding officer is hereby directed to seal up said ballots, in presence of the freemen, and write on the paper enclosing them the name of the town where such ballots were taken, and these words, viz. Votes for representatives to congress; and the same, within ten days, safely transmit to the clerk of the county courts in the respective counties, who shall be under oath to the faithful discharge of their duty; and the said clerks shall, on the fourteenth day after the day of such freemens meetings, assemble at such place in the respective districts as the governor shall direct, and then and there shall open, sort and count said votes—and shall make return of the same to the governor for the time being; and the person having a majority of all the votes in any district, shall be deemed duly elected representative; and if it shall appear that no person shall have a majority of all the votes in any district, then and in such case, the governor shall issue his writ of election as aforesaid, directing the constables as aforesaid, to warn the freemen to meet as aforesaid, on such day as the governor shall appoint, and the freemen, when met, shall proceed to bring in their ballots as aforesaid, for one of the
three

three persons who had the highest number of votes *who are eligible.*
 at the first election, in the respective districts, which three persons shall be notified, by the governor, to the several towns in such district, and the presiding officer shall seal up said ballots as aforesaid, and then transmit to the several clerks as aforesaid, and the said clerks are directed to proceed in opening, sorting *Direction to clerks.* and counting said votes, as is herein before directed, and shall make return of the same to the governor, in the manner before directed; and the person having the highest number of votes in the several districts shall be deemed duly elected representative.

It is further enacted by the authority aforesaid, That In case of a tie the election to be made by lot.
 if the two persons having the highest number of votes shall have an equal number, or if the three persons shall have an equal number of votes, that then and in such case, it shall be the duty of the clerks openly and publicly to determine said election by lot.

It is hereby further enacted, That the said clerks shall receive out of the respective county treasuries, such reasonable compensation for their service, as the judges of the county courts in the respective counties shall think just.

A C T S A N D L A W S,
 Passed by the legislature of the state of
 VERMONT, at their session at
Windfor the second Monday
 of October, 1791.

An act empowering executors and administrators to prosecute & defend suits where one of the parties die pending the suit. *Passed Nov 1, 1791,*

IT is hereby enacted by the general assembly of the state of Vermont, That where any suit shall be depending in any court of record in this state, and either of the parties shall die before final judgment, the executor or administrator of such deceased party, who was plaintiff, petitioner or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action, *Parties dying before final judgment.*
 until

*Exr. &c.
refusing or
neglecting.*

*Where ac-
tions not a-
bated.*

*Adminis-
trators &c
dying or re-
fusing.*

*Power vest-
ed in sur-
vivors.*

*Estate in-
solvent.*

until final judgment; and the defendant or defend-
ants are hereby obliged to answer thereto accord-
ingly. And the court before whom such cause may be
depending, is hereby empowered and directed, to
hear and determine the same and to render judgment
for or against the executor or administrator, as the
case may require.—And if such executor or admini-
strator, having been duly served with a *scire facias*,
from the clerk of the court where such suit is depend-
ing, twelve days before hand, shall neglect or refuse
to become a party to the suit, the court may render
judgment against the estate of the deceased party, in
the same manner as if the executor or administrator
had voluntarily made himself a party to the suits.—
And the executor or administrator who shall become
a party as aforesaid, shall upon motion to the court
where the suit is depending, be entitled to a continu-
ance of the same, until the next term of the said
court.—And if there be two or more plaintiffs or de-
fendants, and one or more of them die, if the cause
of action shall survive, to the surviving plaintiff or
plaintiffs, or against the surviving defendant or defend-
ants, the writ or action shall not be thereby abated;
but such death being suggested upon the record, the
action shall proceed at the suit of the surviving plain-
tiff or plaintiffs against the surviving defendant or de-
fendants. And,

It is hereby further enacted by the authority aforesaid,
That when administration on any estate shall have
been committed to two or more persons, any of such
administrators shall die, or shall remove or reside out
of the state, and neglect or refuse to act in such ad-
ministration, it shall be in the power of the judge of
probate, granting administration, to empower the
surviving administrator or administrators, or the ad-
ministrator or administrators remaining within this
state, to do and perform all acts pertaining to the said
administration.—And all acts done in pursuance there-
of, by such surviving or remaining administrator or
administrators, shall be as good and valid in law, as
though all the administrators first appointed had con-
curred therein. And,

It is hereby further enacted by the authority aforesaid,
That when judgment shall be recovered as aforesaid,
against any estate represented insolvent, execution
thereupon shall be stayed until a complete and perfect
settlement

settlement of such insolvent estate shall be made in the probate office ; and the person so recovering shall be entitled to recover no more than their, his, or her just proportion or dividend out of such insolvent estate, agreeable to the settlement of said estate in the probate office.

An act to annex part of the township of Newhaven to the city of Vergennes.

*Passed Nov
1, 1791.*

IT is hereby enacted by the general assembly of the state of Vermont, That the part of Newhaven lying west and northerly of the following lines, viz. Beginning at the northeast corner of Eli Roburd's farm, said corner being on the north line of Newhaven, a few rods east of the two mile tree ; from thence southerly on a straight line to the southeast corner of Adonijah Griswold's farm ; from thence turning west to the east line of Mr. Luther Evert's farm ; thence north to the northeast corner of said Evert's farm ; from thence westerly on the north line of said Evert's farm to Ottercreek, be and the same is hereby annexed to the city of Vergennes ; on the following condition, to wit, that all public buildings erected at the expense of the town or city, and all town and city meetings, shall be erected and holden in the limits of Vergennes, as heretofore established ; and the mayor and clerks of the town and city, shall reside while in office in said limits : and the inhabitants of said Newhaven shall either execute good and authentic deeds of conveyance, of one twentieth part of all the lands they own in said described district, to the corporation of said city, or shall not be entitled to any vote respecting the lands or avails thereof, given by the inhabitants of said Vergennes, as first established, to said corporation. And the inhabitants of said district shall have and enjoy all the privileges and immunities which the inhabitants of said city are entitled by law to have and enjoy, except as before excepted. And,

*Boundaries
annexed to
Vergennes.*

*Public
buildings,
&c.*

*Gift of ci-
tizens to
corporation*

It is hereby further enacted by the authority aforesaid, That this act shall not take effect until the first day of March next, And,

It is hereby further enacted by the authority aforesaid, That the public lands belonging to the town of Newhaven, shall be divided between the inhabitants residing on the district annexed to Vergennes by this act,

*Public
lands divi-
ded.*

act, and the inhabitants of the said town of Newhaven, according to equity,

Passed Oct
25, 1791.

An act to annex part of the town of Newhaven to the town of Weybridge in Addison county. *be*

IT is hereby enacted by the general assembly of the State of Vermont, That the tract of land south of the following line, to wit, beginning on Ottercreek, twenty rods south of a small brook known by the name of Beaverbrook, thence south fifty three degrees, east three hundred and fifty rods, till it strikes Ottercreek, be and it hereby is annexed to the town of Weybridge, in said county, and the several inhabitants who now reside or hereafter shall reside on said tract of land, north of Ottercreek, aforesaid, and south of the line aforesaid, shall for all purposes be considered as inhabitants of the town of Weybridge, aforesaid.

Passed Oct
25, 1791.

An act postponing the operation of a clause in the act, entitled, "*An act for the incorporating a part of the town of Newhaven, Panton and Ferrisburgh,*" from taking effect.

WHEREAS by a clause in the said act, the first meeting of the inhabitants of the city of Vergennes, to choose city officers, is to be holden on the first Tuesday of July next; and whereas it is represented by the inhabitants of said city, that it will be too early to choose city officers, at that time, considering the infant settlement of the place, &c. Therefore.

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the first meeting of the inhabitants of said city of Vergennes, to choose city officers, shall be holden on the first Tuesday of July, which will be in the year of our Lord one thousand seven hundred and ninety four, and that such meeting be warned and governed as is directed in said act. And,

It is hereby further enacted by the authority aforesaid, That the act, entitled, "An act empowering the inhabitants within the limits of the city of Vergennes to have and enjoy town privileges," be and hereby is continued to be and remain in full force and virtue, until the first meeting of the inhabitants of said city, as specified in this act.

An

An act for the purpose of appointing a committee to superintend the printing of the statutes of this state, now in the press at Bennington. *Passed Oct. 27, 1791.*

WHEREAS it is deemed necessary, in order that the books of said edition may be read as law in the several courts of justice in this state, that they should be published under the sanction of the legislature: Wherefore, *Preamble.*

I*t is hereby enacted by the general assembly of the state of Vermont, That Jonathan Robinson, Noah Smith, and Joshua Hatheway, esquires, of Bennington in the county of Bennington, be and they are hereby appointed a committee for the purpose of superintending said business. And,*

It is hereby further enacted by the authority aforesaid, That the said committee, or either two of them, certify in said books, that they have attended to the business of their appointment, and that the work is correctly executed, which certificate shall be deemed sufficient evidence of their authenticity, to be read as law in any of the courts of justice within this state. And,

It is hereby further enacted by the authority aforesaid, That the above named committee shall receive a compensation for their services from the printer of the aforesaid laws.

An act granting a tax of two pence halfpenny on the pound on the list of 1791. *Passed Oct. 27, 1791.*

I*t is hereby enacted by the general assembly of the state of Vermont, That a tax of two pence half penny, on the pound, be and hereby is laid on the list of polls and rateable estates within this state, for the year one thousand seven hundred and ninetyone; to be paid into the treasury by the first day of February next, either in hard money, hard money orders, or orders drawn by the supreme court.*

An act regulating mesne processes.

Passed Oct. 27, 1791.

WHEREAS disputes have arisen in the courts in this state how long property, taken upon mesne process, shall be holden after final judgment shall be rendered on said process; and also, how long bail shall be holden to produce the body of any person taken upon mesne process, after final judgment as aforesaid. Therefore, *Preamble.*

I*t is hereby enacted by the general assembly of the state of*

*Property
bolsen sixty
days.*

*How far
bail ac-
countable.*

*Execution
when to be
taken out.*

*Officer's
power of
commit-
ment.*

*Persons
committed
on mesne
process.*

of Vermont, That when the goods chattels, or estate of any person shall be taken upon mesne process, that the same shall be holden sixty days from the time final judgment shall be rendered, in said suit; and that unless the plaintiff in said suit, shall within the term of sixty days, from the time of rendering such judgment, as aforesaid, take said property in execution, the same shall be discharged from said process, and be no further liable to answer said judgment than though the same had not been attached. And,

It is hereby further enacted by the authority aforesaid, That if the body of any person shall be taken upon mesne process, and the said person so taken shall procure bail, upon said process, that the said bail shall not in any way be holden to answer said debt, unless the creditor shall within sixty days from the rendering final judgment, in said suit, cause said execution to be levied on the goods or body of the defendant, or have a nonest return regularly made thereon, which execution shall be taken out within thirty days from the time final judgment shall be rendered, and put into the hands of some officer proper to levy the same. And,

It is hereby further enacted by the authority aforesaid, That when any writ of attachment regularly issued, shall be given to any proper officer to serve the same, and the said officer shall attach the body of the defendant, in said action, and the defendant shall not discharge his body, by procuring bail or by turning out sufficient property to secure said officer, he shall have full power and authority to commit the said defendant or debtor to the prison of the county where he shall be taken; or in case there is no goal in the county, then to the next county where there is a sufficient goal; and the keeper of the said goal shall receive said debtor, and the said officer shall deliver to the keeper of such goal an attested copy of such attachment, with his return of commitment thereon: and the keeper of said goal shall in such case be liable to answer for the safe keeping said prisoner, the same as though he had been legally committed on execution. And,

It is hereby further enacted by the authority aforesaid, That when any person shall be attached upon mesne process, and shall be committed agreeable to this act, and

and shall be in goal at the term final judgement shall be rendered against him, shall, unless the plaintiff in said action, within fifteen days after the rendering final judgment, as aforesaid, charge him with execution, be discharged from confinement.

When to be charged with execution.

An act granting a tax in Windham county.

WHEREAS the courthouse in Newfane, in Windham county, has lately been consumed by fire; and it being expedient that the same should be rebuilt as soon as may be: Therefore,

Passed Oct 28, 1791.

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That there be and hereby is granted, a tax of an half penny on the pound, on the list of the polls and rateable estates in the county of Windham, as taken this present year, for the purpose of rebuilding a courthouse, in Newfane, in the county of Windham, on the ground where the courthouse lately stood; in said town, to be collected by the first constables in the respective towns, and paid into the treasury of said county on or before the first day of June next. And,

It is hereby further enacted by the authority aforesaid, That the sheriff of said county and Gardner Chandler with the advice of the county court, shall take such measures for rebuilding said house, as shall be judged most likely to effect the same, in the cheapest, best, and most expeditious manner, and the county court of said county, is hereby directed to draw orders on the treasury of said county for such sums as shall be necessary for the purposes aforesaid.

An act removing the setting of the courts in the county of Addison, from Addison to Middlebury.

Passed Oct. 28, 1791.

IT is hereby enacted by the general assembly of the State of Vermont, That the place for holding the several county and supreme courts in the county of Addison, shall for the time being be, and it is hereby declared to be at Middlebury, at the most convenient place near Middlebury falls.

Provided nevertheless, That this act shall not take effect until the first day of April next, and that all causes, processes, recognizances, and other proceedings, which shall then have been commenced, taken or pending before said courts, at Addison, shall and they are hereby declared to be returnable, and shall be returned, entered and taken up by said court at Middlebury.

N A

An

Passed Oct. An act against counterfeiting the hard money orders
29, 1791, of this state, and orders drawn by the clerk of the
supreme court.

IT is hereby enacted by the general assembly of the state
of Vermont, That if any person shall falsly make,
alter, forge or counterfeit, or shall cause or procure
to be falsly made, altered, forged or counterfeited,
or shall counsel, advise, aid or assist in the falsly mak-
ing, altering, forging or counterfeiting any of the
hard money orders, issued by the treasurer of this
state, or hereafter to be issued, or any of the orders
drawn by the clerk of the supreme court, or hereaf-
ter to be drawn on the treasurer of the state, with intent
to defraud any person, or shall with such intent know-
ingly pass, utter, or publish the same as true, he
shall be set in the pillory, and have both ears cut off,
and pay such fine to the treasury of the state, as the
supreme court shall order and direct.

Passed Oct. An act in addition to an act, entitled, an act for the
29, 1791, punishment of theft.

IT is hereby enacted by the general assembly of the
state of Vermont, That whatever person shall be
convicted of horse stealing, before the supreme court,
shall be punished by fine not exceeding one hundred
pounds, and branded on the forehead with the capital
letters H. T. on a hot iron, and his ear or ears
cut off, at the discretion of the court, any law of
this state to the contrary notwithstanding.

Passed Nov
1, 1791.

An act regulating the duty of goalers.

WHEREAS it is frequently practised by the several
keepers of the goals in the counties in this state, to
obtain licences for keeping tavern and retailing of
spirits, & thereby to extort from prisoners large sums,
by charging them for their board the tavern price by
the meal, &c. Therefore,

Preamble.

IT is hereby enacted by the general assembly of the state
of Vermont, That the keepers of the goals in the
several counties in this state, shall on application of
any prisoner or prisoners, committed to his keeping,
in confinement, or at liberty in the yard of said goal,
on tender of the money from the prisoner or prison-
ers, so committed for one week's boarding, or any
shorter or longer time, as the board shall become
due, board & find the said prisoner, for the same sum al-
lowed them for state prisoners, unless in a time of
scarcity

scarcity ; and then they shall take no more than the common price of boarding in the vicinity of the said goal ; and any goaler refusing to board any prisoner, or asking a larger price, shall forfeit and pay to said prisoner the sum of twenty shillings, to be recovered by an action of the case, in any court proper to try the same.

An act granting to William Page, Lewis R. Morris, and their associates, their heirs, and assigns, forever, the exclusive privilege of locking Bellows-falls. Passed Nov
1, 1791.

WHEREAS William Page, esquire, of Charlestown in the county of Cheshire, and state of New Hampshire, and Lewis R. Morris of Springfield, in the county of Windsor, esquire ; have petitioned for the exclusive privilege of locking, and continuing locks on or by Bellows-falls, so called, in Connecticut river, may be granted to them, their heirs and assigns forever. Therefore, Preambles.

IT is hereby enacted by the general assembly of the state of Vermont, That the exclusive privilege of locking, or continuing locks, on or by Bellows-falls, on the west side of Connecticut river, be, and the same is hereby granted to the said William Page, and Lewis R. Morris, and their associates, and to their heirs and assigns forever, under the following limitations and restrictions, viz. That they complete said locks within four years, or are using every exertion to complete them ; that the toll for conveying loaded boats through said locks shall be fifteen pence per ton, and half of said sum for all empty boats, according to the tons said boat will carry, and the same sum for every thousand feet of boards, and timber, &c. which sums shall be and remain the rate of said toll forever ; except the same shall be diminished by the judges of the supreme court, as is hereafter provided in this act. And,

It is hereby further enacted by the authority aforesaid, That at the expiration of 32 years, from and after the passing of this act, it shall be the duty of the judges of the supreme court, for the time being, to examine into the cost of erecting, maintaining, and attending on said locks, and the nett proceeds arising to the owners on the same ; and if it shall appear to the said judges that the nett proceeds during
said

said term of 32 years, shall average at a larger sum than twelve per cent. per annum, upon all actual expenditures, it shall be the duty of said judges to lessen the toll to such sum as shall to them appear reasonable, provided it shall not be in the power of said judges, to reduce the toll to such sum as shall prevent the proprietors from receiving twelve per cent. per annum, on all actual expenditures. And,

It is hereby further enacted by the authority aforesaid, That it shall be the duty of his excellency the governor, to issue a charter to the said William Page, and Lewis R. Morris, and to their associates, and to their heirs and assigns forever, and to incorporate them into a body politic, by the name of the *company for rendering Connecticut river navigable by Belows falls*, with such privileges and immunities as may be necessary for the safety and well ordering of said property. And,

It is hereby further enacted by the authority aforesaid, That after the term of thirty two years, as before mentioned, it shall be the duty of the supreme court, for the time being, on application made for that purpose, to examine at the end of every ten years, in the same manner as at the expiration of thirtytwo years before mentioned, and to reduce the toll in the same manner as is before directed.

Passed Nov An act to prevent the undue influencing of jurors.
1. 1791. *WHEREAS* the very pernicious practice of treating

Preamble.

jurors by parties, in litigation, before the courts of law within this state, has become prevalent by the party recovering, which tends much to the corruption of the manners of the jurors, and is often a subversion of justice by giving an undue bias :

Therefore to prevent such evil practices in future,

I*t is hereby enacted by the general assembly of the state of Vermont,* That if any person, obtaining a verdict in his favor in any court in this state, shall during the session of the said court in which such verdict is obtained, give to any of the jurors in said cause, knowing him or them to be such, any victuals or drink, or procure the same to be done by way of treat, whether before or after such verdict, on due proof thereof being made, it shall be sufficient reason for arrest of judgment in said cause.

An

An act in addition to an act, entitled, *An act regulating proprietors meetings*, passed March 9, 1787. *Passed Nov 1, 1791.*

WHEREAS by said act all proprietors meetings respecting any land in this state, may be held in any township in this state, whereby the proprietors residing in any township, are frequently called to attend their meetings, and transact the business of the propriety in the remotest part of the state, to their great damage : Which evil to prevent, *Preamble.*

IT is hereby enacted by the general assembly of the state of Vermont, That from and after the rising of this assembly, all proprietors meetings, respecting land, in this state, shall be holden in the township where such land lies, if there shall be ten families in such township; and in case there shall not be ten families in such township, such meeting shall be held in the county where such land lies. And,

It is hereby further enacted by the authority aforesaid, That all proprietors meetings notified or adjourned, to be holden in any other place than agreeable to this act, the proprietors when met shall without doing any other business, proceed to choose a moderator and clerk, pro. tem. and adjourn said meeting to some convenient place, in the town or county where said land lies, as aforesaid, And that the acts or doings of any proprietors meetings not holden agreeable to the tenor of this act, shall not be valid in law.

An act defining the power of the supreme and county courts within this state. *Passed Nov 1, 1791.*

IT is hereby enacted by the general assembly of the state of Vermont, That the county courts of the respective counties shall consist of one chief judge and two side judges, any two of whom shall be a quorum; but in case of the absence of the rest, one of the said judges is hereby empowered to open and adjourn said court; and if neither of the judges of said court should be present, at the time appointed by law for holding any county court, the sheriff of the same county shall have power to adjourn said court, from day to day; and within their respective counties, shall take cognizance of all criminal matters, *their power* of every name and nature, (except such cases as are *or* cognizable only in the supreme court, or before a justice of the peace) and award such sentence as to law and justice appertains. And any person prosecuted for a criminal offence, and aggrieved at the judgment

County courts how constituted.

Appeal allowed.

judgment given in any county court, may appeal from the sentence (the cause being originally heard and tried in the said court) to the next stated or adjourned supreme court, to be holden in said county where the cause was tried, there to be finally determined; the appellant during the sitting of said court, recognizing to the treasurer of the county where the offence is charged to have been committed, (if the prosecution be commenced on the complaint of a county or town informing officer, if otherwise, to the prosecutor) with sufficient sureties, in a reasonable sum, for his personal appearance at the court appealed to, prosecuting his appeal there to effect—abiding the order or sentence of the said court thereon—and to be of good behavior in the mean time; and the party appealing is to remain in the custody of an officer, until he, she, or they shall have given such security; which officer shall not be allowed more than one shilling an hour for the said service. And,

Appellant to remain in custody.

Court to draw orders, &c.

It is hereby further enacted by the authority aforesaid, That in all cases of an appeal from the county to the supreme court, by any person or persons, prosecuted for a criminal offence, and a trial therein had, the said supreme court is hereby empowered and directed, to draw orders upon the treasurer of the county to whom the bond for prosecuting such appeal was taken, for all such costs and expense as shall have accrued in the prosecuting of such cause in the supreme court; excepting the court fees, payable to the judges only.

State's attorney to prosecute.

And in all cases where an appeal is granted as aforesaid, the state's attorney of such county is hereby empowered to prosecute said cause in the supreme court to effect. Any law of this state to the contrary, notwithstanding. And,

Actions to originate in county court

It is hereby further enacted by the authority aforesaid, That all actions and causes of actions of a civil nature, (except such actions as are made cognizable solely before the supreme court, or justices of the peace) shall be originally commenced and prosecuted to effect in a county court, and if any suit made cognizable before a justice of the peace shall be brought before any county court, the same shall abate.

To appoint a treasurer

And the county court shall have power to appoint a treasurer in their respective counties, who shall enter
into

into band by way of recognizance, before the county court by whom they are respectively appointed, in the sum of two thousand pounds, to the inhabitants of said county, for the faithful performance of their office; and such treasurers (being sworn to the faithful discharge of their trust) shall have the same power in issuing warrants and extents, for the collecting of taxes within their respective counties, as is by law given to the state's treasurer. And,

It is hereby further enacted by the authority aforesaid, *Supreme court,*

That there shall be and hereby is constituted a supreme court of judicature within and for this state, to be held and kept annually, at the respective times and places directed by law, by one chief judge and two side judges, to be chosen by ballot by the governor, council and general assembly, annually, at their October session, and commissioned for that purpose, any two of whom shall be a quorum; but in case of the absence of the rest, one of the said judges is hereby empowered to open and adjourn the court; and if neither judge of said court should be present, the sheriff of the county shall have power to open and adjourn the court for one day, which court shall have cognizance of all pleas of the state, criminal actions and causes, and whatsoever relates to the conservation of the peace and punishment of offenders; and also of civil causes or actions between party and party, and between this state and any of its subjects, whether the same be brought into said court by appeal, writ of error, or in any other legal way whatsoever. Provided said court shall not have original jurisdiction of any civil action, other than what has been usually practised in said court,—and the said court is hereby empowered to give judgment and award execution thereupon, with costs. And it shall be in the power of the chief judge of the supreme court, to call a special court where the exigencies of government shall require it. And,

Special court allowed.

It is hereby further enacted by the authority aforesaid, *Courts empowered to*
That as well the judges of the county courts as the judges of the supreme court of judicature respectively, where the forfeiture or penalty of any obligation, bond of recognizance with a condition annexed thereto, or penalty annexed to any articles of agreement, covenant, contract, charter party

*chancery for-
feitures.*

party, or other specialty or forfeiture, of any estate granted upon condition, executed by deed of mortgage, or bargain and sale, with defeazance, shall be found by verdict of jury or by default or confession of the obligor, mortgager or vender, are hereby empowered and authorized to moderate the rigor of the law; and on consideration of such cases, according to equity and good conscience, to chancer such forfeiture, and to enter up judgment for the just debt and damages, and to award execution accordingly; only in actions upon mortgages or bargain and sale with defeazance, the judgment shall be conditioned

Tender to be made within one year and receipt obtained. as follows, that if the mortgager or vendor, his heirs, executors or administrators, shall tender such sum together with legal interest and costs, as the court shall determine to be justly due thereupon, to the clerk of said court, by a time to be limited by such court, not exceeding one year from the rendering such judgment, such clerk shall receive it, and deliver a certificate of such receipt to the person making such tender or payment; which certificate being entered upon the margin of the record of the mortgage or other instrument of bargain and sale, in the town clerk's office where such land lies, shall discharge and forever defeat such instrument. And when the plaintiff shall receive such sum of the clerk, the said plaintiff shall subscribe a receipt for it on the records of the court. But if the mortgager or vender shall not

If tender not made, right to be forfeited. make such tender or payment as aforesaid, within the term aforesaid, the plaintiff shall be put in possession of the said land, sued for by a writ for that purpose to be issued by the clerk of the court wherein such judgment was obtained; and shall hold the same to him, his heirs and assigns, discharged from all right of redemption. And where judgment shall be rendered by default, or on demurrer, in any suit in any court in this state, such court shall have full power to ascertain the sum due, and give judgment accordingly. And,

Judgment on default, &c. It is hereby further enacted by the authority aforesaid, That the said supreme court of judicature shall have original exclusive jurisdiction of all such crimes as are enumerated and described in an act of this state, entitled, *An act against adultery, polygamy, and fornication*, except fornication; and also original and exclusive jurisdiction of all such crimes as are enumerated and contained in an act of this state, entitled

Courts jurisdiction. That the said supreme court of judicature shall have original exclusive jurisdiction of all such crimes as are enumerated and described in an act of this state, entitled, *An act against adultery, polygamy, and fornication*, except fornication; and also original and exclusive jurisdiction of all such crimes as are enumerated and contained in an act of this state, entitled

An act for the punishment of divers capital and other felonies; and also shall have original and exclusive jurisdiction of treason, misprison of treason, counterfeiting the currencies of this state, and every species of forgery, perjury, subornation of perjury, incest, rapes, defaming the civil authority of this state, and all other crimes and misdemeanors, where a fine or penalty is going to the state treasury, or where the punishment extends, either by common or statute law, to the loss of life, limb, or banishment.—
And,

It is hereby further enacted by the authority aforesaid, *Times and places for holding supreme courts.*
That the times and places for the annual sitting of the supreme court be as follows, viz at Bennington and at Manchester, in the county of Bennington, alternately, on the first Tuesday in August; at Rutland, in the county of Rutland, on the second Tuesday in August; at Middlebury, in the county of Addison, on the third Tuesday in August; at Burlington, in the county of Chittenden, on the fourth Tuesday of August; at Newbury, in the county of Orange, on the first Tuesday next following the fourth Tuesday in August; in the county of Windsor, on the second Tuesday next following the fourth Tuesday in August—at the place or places appointed by law for holding courts in said county; at Newfane, in the county of Windham, on the third Tuesday next following the fourth Tuesday in August. And,

It is hereby further enacted by the authority aforesaid, *Times and places for holding county courts.*
That the times and places for holding county courts in the several counties be as follows, viz. in the county of Bennington, at Bennington, the third Tuesday of December—and at Manchester, the first Tuesday of June; in the county of Windham, at Newfane, on the second Tuesday of November and first Tuesday in June; in the county of Windsor, on the fourth Tuesday in September and the fourth Tuesday in March—at the place or places appointed by law for holding courts in said county; in the county of Rutland, at Rutland, on the third Tuesdays in March and November; in the county of Orange, at Newbury, on the second Tuesdays of June and December; in the county of Addison, at Middlebury, on the first Tuesday in March and last Tuesday in September; and in the county of Chittenden,

at Burlington, on the last Tuesday save one in September and last Tuesday in February. And,

It is hereby further enacted by the authority aforesaid,
That all processses heretofore made, and now pending before the supreme court, and all recognizances heretofore taken for the appearance of any person or persons, prosecuted for any criminal offence, or recognizances taken for prosecuting appeals or reviews, shall be by said supreme court taken up and acted upon, in the same manner as though the same had been made returnable before said court, at the times in this act mentioned. Any law of this state to the contrary, notwithstanding. And,

It is hereby further enacted by the authority aforesaid,
That all actions, writs, processses, and every other matter and thing, now pending before the several county courts in this state, shall be considered in the same situation as though the former act defining the powers of the supreme and county courts within this state was not repealed. Any law to the contrary, notwithstanding. And,

It is hereby further enacted by the authority aforesaid,
Act repealed. That an act defining the powers of the supreme and county courts within this state, passed March, one thousand, seven hundred and eightyseven, be and hereby is repealed.

Passed Nov
1, 1791.

Prisoners
committed
how to be
bailed.

An act directing the manner of taking bail and recognizances, in certain cases therein mentioned.

I*t is hereby enacted by the general assembly of the State of Vermont,* That whenever any person shall be committed to prison, and confined for any bailable offence, triable before the supreme court, it shall be in the power of any judge of the county court within the county, where such person shall be committed or confined, to bail the said prisoner by taking a bond of recognizance, with sufficient sureties, in such sum as the said judge shall think necessary, to the treasurer of the state, for his appearance before the next stated or adjourned supreme court, to be holden in said county; which bond or recognizance so taken, it shall be the duty of said judge to return to the clerk of said court, on the first day of the term to which said prisoner is bound to appear. And,

It is hereby further enacted by the authority aforesaid,
That

That it shall be the duty of every justice of the peace within this state who shall bind over any delinquent to appear before any county or supreme court within this state, to bind over the necessary witnesses that shall attend before said justice, to appear before the same court to which said delinquent shall be bound to appear, in such sum as said justice shall think just and reasonable.

Justices to bind over Witnesses.

An act to establish the residence of the legislature of the state of Vermont, for the term of eight years.

Passed Nov 1, 1791.

WHEREAS great inconvenience and expence have arisen to this state by reason of having no fixed places for holding the sessions of the legislature: And whereas no place near the centre is sufficiently settled to accomodate the same.

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the sessions of the legislature in October next, shall be holden at Rutland in the county of Rutland, and thereafter the annual sessions of the legislature shall be holden alternately at Windsor, in the county of Windsor, and at Rutland aforesaid, for the space of eight years. And that the next adjourned session of the legislature shall be holden at Windsor, in the county of Windsor; and thereafter the adjourned sessions of the legislature shall be holden alternately, at Rutland and Windsor aforesaid, for the like space of eight years.

Provided, That the said towns of Rutland and Windsor, shall, at their own expence, furnish good and sufficient houses for the reception of the legislature; and shall provide for and entertain the members of the same on reasonable terms.

An act directing leather sealers in their office and duty.

Passed Nov 1. 1791.

WHEREAS many inconveniences arise in consequence of bad manufacturing of leather, boots and shoes, &c.

Preamble.

Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That the leather sealers in the several towns in this state, chosen and sworn for that purpose, be & they are hereby required to furnish themselves with two proper brands or seals for the purpose of sealing leather, agreeable to this act, by the first day of

of August next, at the cost of the town to which they belong, on the penalty of forfeiting the sum of six shillings for every month he shall so neglect; one moiety to him who shall procure the same to effect and the other moiety to the treasurer of the town where such neglect shall be. And,

Duty of leather sealers.

It is hereby further enacted by the authority aforesaid, That it shall be the duty of such leather sealers, on application of any person having any leather for sealing, to proceed and examine such leather, and seal such as he shall find well tanned and dried; fit for market, with the letter G. and such as he shall find not manufactured fit for market, with the letter B. and said leather sealer shall be allowed one penny for each side or skin by him so sealed, by the person offering such leather for sealing. And,

Penalty for selling unsealed leather.

It is hereby further enacted by the authority aforesaid, That no person tanning any ox, steer, bull, cow, heifer or horse hide, in this state, shall let the same go out of his possession, or suffer the same to be carried away, till it shall be first sealed as aforesaid, on penalty of forfeiting double the value of such leather in manner aforesaid; nor shall any merchant or any other person in any town in this state, sell or vend any leather before mentioned, unless it shall be so sealed, as aforesaid (unless it shall have been sealed in some place before it came into this state) on the like penalty. And,

For working bad leather.

It is hereby further enacted by the authority aforesaid, That if any person shall make any boots or shoes of such bad leather so condemned by said leather sealer, and shall sell the same for good merchantable leather, & be thereof convicted before any authority proper to try the same, he shall forfeit four shillings for each pair of shoes, and ten shillings for each pair of boots, so by him sold; and the shoes or boots so sold to be appropriated in manner aforesaid.

Proviso.

Provided nevertheless, That it shall be lawful for such leather to be worked into harness and such like uses, and exposed for sale; provided the vender make known to the purchaser that such harness were made of bad leather. And,

Penalty for working horse hide &c.

It is hereby further enacted by the authority aforesaid, That if any person shall make any boots or shoes of horse hide or sheep-skin, and sell the same for good merchantable leather, and be thereof convicted, he shall

shall incur the like penalty as for working condemned leather; and no person shall put any of the following leather into the under leather of shoes, to wit, horse hide, the flanks, pates or checks of other hides, heretofore mentioned, except for inner soles, or heels of shoes, and expose the same for sale, on penalty by this act for selling bad leather. And,

It is hereby further enacted by the authority aforesaid, That if any person or persons shall bring into this state any boots or shoes, made of leather condemned in other states, or made of horse or colt hide, or sheep skin, and offer the same for sale as good and merchantable neat's leather, or calf skin, he or they so offending shall be liable to the same penalty as is before prescribed in this act, for persons making such boots and shoes within this state.

*Penalty for
importing
bad shoes
&c.*

An act directing the several officers therein named to transmit to the treasurer annually the amount of all orders drawn on the treasury. *Passed Nov 1, 1791.*

I*T is hereby enacted by the general assembly of the State of Vermont,* That it shall be the duty of the secretary of council, and he is hereby directed, some time in the month of September, annually, to transmit to the treasurer of this state the amount of the debentures of council, and the amount of all orders drawn by council on the treasury the preceding year. And it shall also be the duty of the clerk of the general assembly, to transmit as aforesaid, the amount of the debentures of the general assembly, & all orders drawn by them on the treasury as aforesaid.

And it shall be the duty of the clerk of the supreme court to transmit to the treasurer as aforesaid, the amount of the debentures of the supreme court, and the amount of all orders drawn by said court, on the treasurer, the preceding year.

And it shall also be the duty of the auditor of accounts against this state, to transmit to the treasurer as aforesaid, the amount of all orders drawn by him on the treasury the preceding year.

And it shall also be the duty of the treasurer of this state to transmit to the general assembly in October annually, the amount of the several sums transmitted to him as aforesaid. And,

It is hereby further enacted by the authority aforesaid, That if either of the aforesaid officers shall neglect or refuse to transmit as aforesaid, the amount of all debentures

debentures and orders as aforesaid, he shall forfeit and pay to the treasurer of this state the sum of thirty pounds lawful money and cost of prosecution.—
And,

It is hereby further enacted by the authority aforesaid, That it shall be the duty of the auditor of accounts against this state, to procure the papers in which the committees of payable have entered their orders, drawn on the treasurer, and transcribe such papers into a bound book, for that purpose to be by him kept in his office.

Passed Nov
1, 1791.

An act for the punishment of rapes.

Rape how
punished.

I*T is hereby enacted by the general assembly of the State of Vermont,* That if any person shall ravish or take with force any married woman, maid or damsel of the age of eleven years old and upwards, against her will, and be thereof convicted, shall suffer fine and imprisonment, and such corporal punishment as the supreme court shall direct, not exceeding one hundred stripes, and shall from the expiration of twenty four hours after such imprisonment, during his abode in this state, wear a capital R of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to his cloaths, and sewed upon the outside of his arm, or on his back, in open view. And if any person or persons, having been convicted and sentenced for such offence, shall at any time be found without their letter so worn, during their abode in this state, he or they shall, by warrant from any justice of the peace, be forthwith apprehended and publicly whipped on the naked body, not exceeding ten stripes, and so from time to time, *toties quoties*.

And, *It is hereby further enacted by the authority aforesaid,* That if any person over the age of fifteen years, shall unlawfully and carnally know and abuse any woman child, under the age of eleven years, with her will or against her will, shall suffer such punishment as is before provided by this act. And,

Punishment
if a child
under 11,
years of
age;

It is hereby further enacted by the authority aforesaid, That if any person shall make an assault upon the body of any woman, maid or damsel, or woman child, with intent to ravish her or them, and be thereof convicted before the supreme court, the person so offending shall be severely punished, by fine, imprisonment, or other infamous punishment as the court shall

shall adjudge : according to the nature and aggravation of the offence.

An act for the purpose of raising thirty thousand dollars.

Passed Nov
3 1791.

WHEREAS this state, in consequence of a treaty entered into, by commissioners appointed by the state of Newyork and by this state, are obligated to pay unto the said state of Newyork the sum of thirty thousand dollars, agreeable to the ratification of the said treaty, by the legislature of this state at their session in October A D. 1791, and for the consideration therein mentioned ; For the payment of which,

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is granted a tax of one half penny on each acre of land within this state (except lands sequestered for public, pious and charitable uses, and still remaining to such uses) to be collected and paid into the treasury of this state, on or before the first day of January 1794. And the treasurer of this state is hereby directed, between the first day of October and the first day of November in the year 1792, to issue his warrant to the first constable of each organized town in this state, to collect the said tax in their towns respectively ; upon the receipt of which, the said constables shall give notice to the selectmen of their respective towns, who shall on or before the first day of March 1793, make out and deliver to such constable, a rate bill, containing a list of all the lands in such towns, held in severalty, and the number of acres contained in each lot, and the range in which it lies, or the division to which it was drawn or pitched, and the tax to be paid upon the same ; and where there are undivided lands in such town, the said selectmen shall, under their oath of office, make an estimate of the quantity of land so undivided, to the best of their judgment ; which, together with all other land in such towns, they shall form into one general list, and return an attested copy thereof, on or before the first day of November, then next following, to the treasurer of the state : and the said selectmen shall assess each landholder or proprietor, for the quantity which they respectively own, both divided and undivided, in one sum annexed to their names respectively ; and when any land

owner

debentures and orders as aforesaid, he shall forfeit and pay to the treasurer of this state the sum of thirty pounds lawful money and cost of prosecution.—
And,

It is hereby further enacted by the authority aforesaid, That it shall be the duty of the auditor of accounts against this state, to procure the papers in which the committees of payable have entered their orders, drawn on the treasurer, and transcribe such papers into a bound book, for that purpose to be by him kept in his office.

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Punishment
if a child
under 11,
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age;

It is hereby further enacted by the authority aforesaid, That if any person shall make an assault upon the body of any woman, maid or damsel, or woman child, with intent to ravish her or them, and be thereof convicted before the supreme court, the person so offending shall be severely punished, by fine, imprisonment, or other infamous punishment as the court shall

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Preamble.

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owner

owner or proprietor shall pay his proportion of said tax, it shall be the duty of said constable to make an endorsement on his rate bill, of the name of the person so paying the tax, and their lands shall thereupon be discharged therefrom; and if the sum assessed shall not be paid, on or before the first day of September, 1793, such constable shall give notice, by advertisements in all the newspapers printed in this state, and inserted six weeks successively, of the said tax, the sum assessed to each person, and the place where the same will be received; and in case of delinquency, the place where and time when the same will be sold, the last day of which notice, shall be at least twenty days, before such constable shall proceed to make sale of the lands, as is after directed:—and the said constables are hereby empowered and directed, at any time after the expiration of twenty days, from the last day of such notice, to sell so much of each delinquent's land, as shall be sufficient to pay said tax and costs, at public vendue; and shall execute to the purchaser, a deed of the land by him purchased, which shall vest in him, his heirs and assigns forever, a good title thereto in fee simple. And,

It is hereby further enacted by the authority aforesaid, That it shall be the duty of the treasurer of this state, to issue his warrants, to the sheriffs of the respective counties, within the same, four months at the least before the said first day of March, 1793, to collect the said tax upon all towns, or gores of appropriated lands, wherein there shall be no constable; upon the receipt of which, the said sheriffs shall apply to the secretary of state, or of the council, for a list of the proprietors in each of such towns or gores, whose duty it shall be to forward the same to them as soon as may be; and upon receiving the same the said sheriffs shall assess the said tax, upon the lands, in such towns and gores, and proceed to notify the land owners and proprietors of such towns and gores of land, in the same manner as the constables by this act are directed to pursue, in the advertising and sale of the lands, of such person as shall be delinquent in the payment of said tax and costs, and in conveying the same by deed.

Provided always, That the said selectmen and sheriffs in assessing the said tax, upon the towns and gores of land aforesaid, shall allow out of each proprietor's

or

or land owner's part therein, five acres out of every hundred acres for highways. And,

It is hereby further enacted by the authority aforesaid, That it shall be the duty of the surveyor general, upon application from the sheriffs for that purpose, to furnish to them, as soon as may be after such application, the quantity of land in each town and gore applied for to enable him equitably to assess the said tax:—And when the same is assessed, they shall return attested copies of such assessment, to the treasurer of this state, on or before the said first day of Sept. 1793. And,

It is hereby further enacted by the authority aforesaid, That it shall and may be lawful, for the owner or proprietor of any land, which shall be sold as aforesaid, or for any other person on their behalf, to pay or tender to the constable or sheriff, within twelve months from the day of such sale, the tax of such land owner or proprietor, and the proportion of the costs and expenses arising from such, (including the proportion of twelve shillings to each constable and three shillings to each sheriff for every town or gore of land by them advertised, and of the printers bill for inserting the same, which the said constables and sheriffs shall justly and equitably proportion and assess) together with twelve per cent. per annum interest, upon the amount thereof, to redeem the same from such sale. And upon the payment so made, or tendered to be made, the said constables and sheriffs shall not make any deed or deeds to the purchaser or purchasers, and the said sheriffs and constables shall pay to such purchaser or purchasers, all monies from them received for such sale, together with twelve per cent. interest, as aforesaid, to the time such payment of tender was made. And,

It is hereby further enacted by the authority aforesaid, That each sheriff or constable shall demand and take, for every lot or right of land sold at vendue, one shilling, and for every deed made to a purchaser at such vendue and duly executed and acknowledged, one shilling and six pence; and no deed shall be made, or any demand made of payment for the same until the time for the redemption of the land so sold, shall be fully expired, and if any sheriff or constable shall neglect or refuse to collect and pay said tax into the treasury of this state, on or before the first day of

January, 1794, the treasurer is hereby authorized and directed, to issue his extent against such delinquent collector for the same.

Passed Nov

3, 1791.

Preamble.

An act granting a tax in the county of Windsor.

WHEREAS the courthouse in Woodstock, in the county of Windsor, has been lately consumed by fire; and it being expedient that the same should be rebuilt as soon as may be. Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That there be and hereby is granted a tax of one penny on the pound, one half on the list of the polls and rateable estate, in the county of Windsor as taken the present year, and the other half on the list to be taken next year for the purpose of rebuilding a courthouse in Woodstock, in the county of Windsor on or near the ground where the courthouse lately stood, in said Woodstock; & for the payment of twelve pounds to Stephen Avery, for the loss of his joiner tools, &c. burnt in said house; to be collected by the first constable in the respective towns, and one half of said tax to be paid into the treasury of said county on or before the first day of June next; and the other half to be paid into the treasury on or before the first day of June 1793: and that the treasurer of said county issue his warrants in the mode directed by law for the collection of state taxes. And,

It is hereby further enacted by the authority aforesaid, That the judges of the county court for said county shall take such measures for rebuilding said house, in the cheapest, best and most expeditious manner: and the said judges of the county court, aforesaid, are hereby directed to draw orders on the treasury of said county, for such sums as shall be necessary for the purposes aforesaid.

An act regulating the choice of a council of censors.

Passed Nov

25, 1791.

IT is hereby enacted by the general assembly of the State of Vermont, That the first constable in each town in this state, or in case of his absence the town clerk, or one or more of the selectmen, is hereby required, at least twelve days before the last Wednesday of March next, to warn a meeting of the freemen in each respective town, by notifying the same in writing in the most public place or places in each town, to be held at the places agreed upon to hold

hold freemen's meetings in their respective towns, on the last Wednesday in March next, at one of the clock afternoon, to give in their votes for thirteen such persons as they would choose for a council of censors in this state, as provided by the constitution:—and the presiding officers are hereby empowered and required to open the meeting, receive and seal up the votes of the freemen, in presence of the meeting, and write the name of the town on the outside of the paper containing the votes, and these words, *votes for censors*; and also a certificate that they were sealed up by such presiding officer, and deliver such votes, so sealed up, to the clerk of the county court of the county where such votes were taken, within fourteen days after taking said votes:—and the said clerks are hereby directed and empowered to receive the same; & also to meet at the courthouse in Rutland in the county of Rutland, on the Wednesday next following the first Monday in May next, at one o'clock in the afternoon; who, when met, shall then and there immediately open and count said votes, and certify to his excellency the governor, under their hands, the names of the thirteen persons having the highest number of votes as elected censors, within six days after opening and counting said votes; who is hereby requested officially to notify the persons so elected, within twenty days after. And,

It is hereby further enacted by the authority aforesaid, That the censors shall hold their first meeting at the courthouse in Rutland, in the county of Rutland, on the day appointed by the constitution of this state for that purpose—and the notice of the choice received from his excellency the governor, shall be sufficient credentials of their being chosen.

And it is hereby made the duty of the secretary to cause this act, with a list of the names of the members of the present council and house of representatives, to be printed before the rising of this assembly, and to forward an attested copy thereof, directed to the first constable, or for want of such constable, to the town clerk or one of the selectmen in each incorporate town in this state, by the representative belonging to such town: and in case any such town is not represented, the copy of this act, directed to the proper officer in such town, shall be delivered to the representative of the nearest adjoining town, whose
duty

duty it shall be to deliver all the copies so directed to the proper officer in their several towns, before the first day of February next. And,

Be it further enacted by the authority aforesaid, That if any constable, or other presiding officer, shall refuse or neglect to do the duty required by this act, and be thereof convicted before the county court in that county where the offence shall be committed, he shall forfeit and pay the sum of forty shillings, with costs of prosecution, to the treasury of the county where such conviction shall be had.— And,

Be it further enacted by the authority aforesaid, That if the clerk of the county court in this state, or in case of the death, sickness, or other inability of such clerk, the sheriff, by himself or his deputy, shall refuse or neglect to comply with the duty of him by this act required, and be thereof convicted before the supreme court, he shall forfeit and pay to the treasury of this state the sum of forty pounds, with costs of prosecution And,

Be it further enacted, That the several clerks of the county courts or sheriffs, be allowed for their services each ten shillings, and four pence per mile travel, to be paid out of the treasury of this state : and the auditor of accounts against this state is hereby directed to audit their several accounts.

Passed Nov
3, 1791.

Preamble.

An act for the purpose of founding a university at Burlington.

WHEREAS the education of youth is necessary for the advancement of morality, virtue and happiness, and tends to render a people or state respectable ; to promote which, establishments for seminaries and colleges have ever been patronized by all good governments : and whereas several grants of land have already been made by this state, and private, liberal donations have been offered for promoting so useful an establishment, within the same, which demand the attention of this legislature, for laying the foundation for an institution so beneficial to society : Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is a college instituted, and established at such a place in the township of Burlington, in the county of Chittenden, as the corporation hereinafter named shall think most convenient

convenient for that purpose, to be known and designated by the name of *the university of Vermont*. And,

It is hereby further enacted by the authority aforesaid, That the governor of this state, the speaker of the house of representatives for the time being, and the president of the university when elected, shall be *ex officio* trustees for the said university; and who, together with Caleb Blood, Bethuel Chittenden, Asa Burton, George Boune, Ira Allen, Charles Platt, Jonathan Arnold, Enoch Woodbridge, Samuel Hitchcock, and Jonathan Hunt, and such others as shall be appointed, in manner and to the number herein after directed, shall at all times hereafter, form and constitute the board of trustees for the said institution, and be known by the name and stile of *the CORPORATION of the UNIVERSITY of VERMONT*: and the said corporation and their successors in office, are hereby declared, constituted, ordained and appointed, a body corporate and politic, to all intents and purposes, in name and fact, shall have full power to take, by gift, grant, purchase or devise, any estate, either real or personal, for the use of the said university, and to take charge of, lease, rent, and improve to the best advantage, all such grants as have been already made by the authority of this state, for the use and benefit of a college, and also to receive & appropriate, all such donations as have been, or hereafter shall be made, for the use of the said institution and by themselves or their attornies to institute, maintain and defend any suit or suits, which may or shall be sued, prosecuted or impleaded, either in law or equity, for the recovery or defence of any of the rights or property of the said university, as they shall find necessary: and also to appoint, elect, support and remove, from time to time, all such officers and servants as they shall find necessary; to direct the studies of the youth; to establish professorships and professors, and provide for their support; to make and establish all necessary rules, regulations and by-laws, for the orderly government of said university. (*Provided always,* That the said rules, regulations and by-laws, shall not be repugnant to the constitution and laws of this state;— and *provided also,* That the said by-laws shall not tend to give preference to any religious sect; or denomination whatsoever;

whatsoever;) to grant and confer all such degrees, literary titles, honors and distinctions, as other universities, colleges and seminaries have done, or may of right do; and to do any other thing which shall be found necessary for the government and welfare of such an institution. And,

It is hereby further enacted by the authority aforesaid, That when and so often as it shall be judged needful for the interest of said institution, that additions should be made the number of trustees, or members of the corporation aforesaid, it shall and may be lawful for the said corporation, at any regular stated meeting, or when specially notified to attend for that purpose, to elect, by ballot, such and so many as they shall think proper, so as that the whole number appointed, inclusive of those who are appointed *ex officio*, shall not exceed the number of seventeen, ten of whom shall be resident in this state; and that a majority of the trustees who shall reside within this state, shall be a quorum to act in all cases.

Provide.

Provided always, That no person holding a place of trust or profit in any other university, college or seminary, or holding any place of appointment in the university of Vermont, to which a salary or other emolument is annexed, shall be eligible as a member of said corporation, except the president of said university. And,

It is hereby further enacted by the authority aforesaid, That the governor be empowered to call the first meeting of the corporation, at such time and place as he in his discretion shall think fit; whose duty it shall be when so met, to take into consideration the state and conditions of the grants and donations, made and offered for the use of the university; and secure the same; to adopt rules and regulations for their own proceedings; to provide means for erecting, as soon as may be, a commodious building or buildings, for the reception and accommodation of students, officers and servants; and to transact such other business as they shall find necessary and proper to be done. And,

It is hereby further enacted by the authority aforesaid, That the estate of the said university, both real and personal, shall be free and for ever exempt from taxes, to the full amount of one hundred thousand pounds; and the persons of all officers, servants and students,

students, belonging to said university, shall, during their continuance there, be exempt from taxes and military duties. And,

It is hereby further enacted by the authority aforesaid, That in all grants, donations, devises and purchases of lands, made, or which shall be hereafter made to the said institution, it shall not be lawful for the said corporation to hold in lands, lying within this state, to a greater quantity than seventy thousand acres; unless by consent of the legislature of this state, by a law obtained for that purpose; any thing herein contained to the contrary notwithstanding. And,

It is hereby further enacted by the authority aforesaid. That the said trustees, when required by the legislature of this state, lay before them the state and condition of the funds of said university, together with all appropriations by them made, and the by-laws, rules and regulations for the government of said institution, for their examination, approbation and revision. And,

It is hereby further enacted by the authority aforesaid, That the trustees of said university and their successors, shall and may have a common seal, under which they may pass all diplomas, or certificates of degrees, and all other affairs of business, of and concerning the said university, which shall be engraven in such form, and with such an inscription, as shall be devised by the said trustees for the time being, or the major part of them, convened for the service of the said university. And,

It is hereby further enacted by the authority aforesaid, That the governor be and hereby is empowered and requested, to issue to the trustees named in this act, and to their successors, a charter of incorporation, made in due form of law, agreeable to the same.

An act to empower the judges of the county court, in the county of Windsor, to repair the goal in Woodstock.

Passed Nov
3. 1791.

I*T is hereby enacted by the general assembly of the state of Vermont,* That the judges of the county court for the county of Windsor, are hereby empowered, to cause the goal in Woodstock to be put into good and sufficient repair, as soon as may be; and they are hereby empowered and directed, to draw orders on the treasury of said Windsor county, to the amount of their expenditures therein, not exceeding the

the sum of fifty pounds. And the treasurer aforesaid is hereby directed to accept and pay their orders, drawn as aforesaid, out of the money raised by the tax on the inhabitants of Windsor county, granted October, one thousand seven hundred and ninety.

Passed Nov
3, 1791.

An act to privilege members of council and house of assembly, &c. from arrests.

Preamble.

WHEREAS doubts may arise whether the members of this legislature, and members of the council, &c. are free from arrest and imprisonment, at common law, during their attendance as members of the legislature. To remove which doubts,

I*T is hereby enacted by the general assembly of the state of Vermont, That the governor lieutenant governor, treasurer, every member of council, and house of assembly, and all officers of both houses of the legislature, be and forever shall in all cases except treason, felony, and breach of peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same.*

Passed Nov
3, 1791.

An act incorporating part of Jericho, Newhuntington and the east society of Williston, as established by law, into one ecclesiastical or religious society.

Preamble.

WHEREAS it is found very inconvenient for a part of Jericho and Newhuntington, to join with their respective towns in supporting and maintaining the preaching of the gospel in said towns, on account of mountains, rivers, &c.

I*T is hereby enacted by the general assembly of the state of Vermont, That the following part of Jericho, viz. beginning at a certain point of rocks, on Onionriver, being a little above Bradley Bow (so called) from thence a straight line until it intersects the town line between said Jericho and Bolton, three miles from the bank of Onionriver; and also the following parts of Newhuntington, to wit, beginning three miles from the northeasterly corner of Williston at a beach tree, from thence east twentythree degrees south two miles and one half, to a stake and stones, thence a straight line so as to strike the bank of Onionriver, one hundred and twenty rods above the mouth of Newhuntington river, so called, be set off from the aforesaid towns for the purpose as aforesaid. And,*

It is hereby further enacted by the authority aforesaid,
That the aforesaid part of Jericho & Newhuntington
lying joining to the east society of Williston, and the
east society of Williston, as heretofore established by
law, be and hereby are incorporated into one religious
society with all the privileges and immunities thereto
belonging.

An act, in addition to an act, entitled, *an act di-* *Passed Nov*
ding the town of Williston and part of the town of 3, 1791.
Burlington, into two separate ecclesiastical societies.

IT is hereby enacted by the general assembly of the
State of Vermont, That all that part of general
Joanthan Safford's home farm, in said Williston,
that lieth westerly of the following line, be and
hereby is set off and annexed to the west parish in
said Williston, viz. beginning at the southeast corner
of three hundred acres of land, laid out to the
right of John Brush, in said town of Williston;
thence a straight line to a large ledge of rocks on the
northeasterly side of Onion river, at the upper end of
the Bradley Bow, so called.

An act for the purpose of making certain processes
returnable to the county court, in Windham coun- *Passed Nov*
ty, valid in law. 3, 1791.

WHEREAS the times of the sitting of the county
court, for the county of Windsor, is by an act of le-
gislation, altered from the last Tuesday in May and
first Tuesday in November, to the fourth Tuesday
in March and fourth Tuesday in September;—and
whereas some writs and processes have already been
served upon persons, returnable to the said county
court on the last Tuesday in May next. Therefore,

Preamble

IT is hereby enacted by the general assembly of the State
of Vermont, That all writs and processes, which
have been or may be served upon any person or per-
sons, before the end of the present session of the le-
gislation, and made returnable to the county court for
the county of Windsor, on the last Tuesday in May
next; and all recognizances, which have been or
may be taken before the end of the present session of
the legislature, for the appearance of any person or
persons before the county court, for said county, on
the last Tuesday in May next, shall be returnable
unto, and proceeded upon by said court, at their

Q q

session

session on the fourth Tuesday in March next, as though the same had been made returnable at that time.

Passed Nov
3, 1791. An act in addition to and amendment of an act, passed March 8th, 1787, entitled, *an act for the appointment and regulating of attornies and proceedings at the bar.*

*court to ex-
amine.*

IT is hereby enacted by the general assembly of the State of Vermont, That whenever any person shall hereafter apply to the supreme or county courts for admission to practise law in this state, the court to which application is made shall assign a time when they, assisted by the attornies at the bar, shall hear and examine the person so applying; and if upon such examination he shall be found by such court to have a competent knowledge of the laws, and of a good moral character, they are hereby empowered to admit him to be qualified as a practitioner of law in this state, agreeable to the rules and regulations of the courts within the same. And,

It is hereby further enacted by the authority aforesaid, That whenever a plaintiff or defendant, in any cause pending before a county court, shall empower a person to manage the same, he shall be heard therein, and have the same powers in conducting the same, as though such person was a sworn practitioner of the law. And,

It is hereby further enacted by the authority aforesaid, That the first paragraph of the act aforesaid, passed March, 1787, and the act in addition to said act, passed October, 1789, be and the same are hereby repaled.

Passed Nov
3, 1791. An act appointing a committee to ascertain the place for the permanent holding the courts and erecting the county buildings in the county of Addison.

IT is hereby enacted by the general assembly of the State of Vermont, That the hon. Gideon Olin, Gideon Brownson, and Alexander Harvey, esquires, be and hereby are appointed a committee to go into the county of Addison, make enquiry into the situation of that county, and make report to this legislature at their next stated session, where the county buildings ought to be erected, and courts established in said county. And the county buildings in said
country

county shall be erected and the courts established forever, in such place as said committee or any two of them shall direct. And,

It is hereby further enacted by the authority aforesaid, That the above named committee, for establishing the place of holding courts, &c. as aforesaid, be paid for their services by the town in which said courts are established.

An act directing the mode of distributing the laws of this state, the journals of the general assembly, &c. and for repealing the last clause of an act, entitled, *an act directing sheriffs in their office and duty.*

*Passed Nov
3, 1791.*

I*T is hereby enacted by the general assembly of the State of Vermont, That it shall be the duty of the printers for the state to convey the acts and laws of this state, the journals of the general assembly, and other papers, that are to be distributed to the several officers of government, to the several clerks of the county courts within this state; and it shall be the duty of such clerks, upon application made by such officers, as are entitled as aforesaid, or their order, to deliver the same to such officer as is entitled by law thereunto.*

It is hereby further enacted by the authority aforesaid, That the last paragraph of an act, entitled, an act directing sheriffs in their office and duty, passed March 1787, be and the same is hereby repealed. And,

It is hereby further enacted by the authority aforesaid, That the printers shall deliver any such acts, journals and laws, &c. as may be applied for by any such person as shall be entitled to such acts, &c. and take their receipts therefor; which receipts shall be transmitted by said printer to the clerk of the county where such person lives, in lieu of the said acts, &c. Any thing herein contained to the contrary notwithstanding.

*Passed Nov
3, 1791.*

An act appointing commissioners to ascertain the expenses of this state in the prosecution of the late war with Great Britain.

Preamble.

WHEREAS, in order to make a settlement with the United States, it is necessary to ascertain the expenditures of this state in the prosecution of the late war.

IT

IT is hereby enacted by the general assembly of the State of Vermont, That Isaac Tichenor, Ira Allen, and Benjamin Greene, be and they hereby are appointed commissioners, to collect and arrange all amounts of the expenditures occasioned by the late war into one general account; and that said commissioners be authorized to call on all persons belonging to the late treasury department, commissaries of purchase, and issuing commissaries, selectmen of particular towns, town clerks, and all other persons holding papers or accounts concerning the premises, for their several papers and vouchers.

It is hereby further enacted by the authority aforesaid, That it shall be the duty of said commissioners, to meet at such time and place as his excellency the governor, for the time being, shall direct.

It is hereby further enacted by the authority aforesaid, That all persons thus called on shall transmit their several papers and vouchers, attested under oath, to one or more of said commissioners, after being previously called on by a notification in the Bennington and Windsor papers, or by a special request, under the penalty of twenty pounds. And a duplicate copy of such papers, attested by the commissioners, shall be given to the several holders of the original accounts, and be considered as good and valid to all intents and purposes, as such original papers.—And that said commissioners adjourn from time to time, and from place to place, if they see cause; & that they report their doings, with the necessary expenses, to the legislature at their session in October next.

An act in addition to and for repealing a certain part of an act, entitled, *An act to encourage the destroying of wolves and panthers.*

Preamble.

WHEREAS it is found that the mode prescribed in the act aforesaid, for ascertaining the claim which individuals may have to premiums, granted by said act, is insufficient to prevent the fraud of counterfeiting the certificate of such claims. Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That the treasurer of this state furnish each judge of the county courts within this state, with a number of printed blanks of a certificate, proper to be given in the case; and that every person who shall kill a wolf, panther or whelp, within

in this state, shall apply to a judge of the county court within the county where such beast is killed, with the head of such beast; and such judge shall thereupon proceed in the examination of the fact, and in other preventatives of fraud and injustice, in like manner as justices of the peace, selectmen and constables have been heretofore directed to do, by the act aforesaid; and being satisfied that the said beast was killed within this state, shall issue his certificate thereof to the treasurer, by properly filling and signing one of the aforesaid blanks; which certificate the treasury of this state shall receive, and thereupon pay to the holder the premium granted by the aforesaid act. And the treasurer shall not pay said premium upon any other certificate. And,

It is hereby further enacted by the authority aforesaid, That certificates now in the hands of individuals, which have been given by such justice of the peace, selectman, or constables, on being produced to a judge of the county court within the county where they were given, and evidence being made to the said judge that they were in fact given by such justice of the peace, selectman or constable, they shall be received, and the signature thereof being by him obliterated, shall be kept; and he shall thereupon issue a new certificate, by filling and signing a blank, as before directed; which last certificate the treasurer shall receive, and thereupon pay the premium as above directed. And,

It is hereby further enacted by the authority aforesaid, That so much of the second paragraph of an act, entitled, *An act to encourage the destroying of wolves and panthers*, as authorizes justices of the peace, selectmen, and constables to ascertain and certify to the treasurer the claims which any person may have to the premiums granted by said act, be and hereby is repealed.

An act directing the mode of appointing electors to elect the president and vicepresident of the United States.

I*T is hereby enacted by the general assembly of the state of Vermont,* That the electors for electing a president and vicepresident of the United States, be appointed by the ballots of the governor and council and house of representatives, met in grand committee: and that those persons, to the number which they

they have a right to appoint, who shall have a majority of all the votes of said grand committee, shall be declared to be duly appointed electors of this state, for the purposes aforesaid.

Passed Nov An act incorporating the members of Athens gram-
3, 1791. mar school into a society.

IT is hereby enacted by the general assembly of the State of Vermont, That the members of Athens grammar school be & they are hereby erected & incorporated into a society, to be called and known by the name of WINDHAM-HALL. And,

It is hereby further enacted by the authority aforesaid, That the members of said society have and enjoy all the privileges and immunities to which any other scholastic societies in this state are by law entitled.— And,

It is hereby further enacted by the authority aforesaid, That Luke Knoulton, John Lovel, Lot Hall, and Gardner Chandler, esquires, with such others as have been or shall be appointed by the subscribers and donors of said school, to the number of not more than thirteen in the whole, or a majority of them, be and they are hereby constituted a board of trustees of said school.

Passed Nov An act uniting the first society of Dorset and the east
3, 1791. society of Rupert into one entire society.

IT is hereby enacted by the general assembly of the State of Vermont, That the first society of Dorset, and the east society of Rupert be and are hereby united into one society ; to be known by the name of THE UNITED SOCIETIES OF DORSET AND RUPERT—with all the privileges and immunities that all other societies in this state have, exercise, and enjoy. And,

It is hereby further enacted by the authority aforesaid, That the public lands or the avails thereof, that heretofore belonged to the said society, shall be for their use and benefit in the same manner as they enjoyed them before their union. Any thing in this act to the contrary notwithstanding.

Passed Nov An act in addition to an act, entitled, *an act defin-*
3, 1791. *ing the powers of the supreme and county courts in this*
State, passed the present session of the legislature.

IT

IT is hereby enacted by the general assembly of the State of Vermont, That the act defining the powers of the supreme & county courts in this state, so far as it effects the place for the sitting of the county court in the county of Addison, shall not take effect until after the first day of April next.

An act ratifying certain articles proposed by congress as amendments to the constitution of the United States. *Passed Nov 3, 1791.*

WHEREAS the congress of the United States, begun and held at the city of Newyork, on Wednesday the fourth of March 1789.

RESOLVED, that certain articles, to the number of twelve be proposed to the legislatures of the several states as amendments to the constitution of the United States; which articles, when ratified by three fourths of the said legislatures, should be valid to all intents and purposes as part of the said constitution. Wherefore, *Preamble.*

IT is hereby enacted by the general assembly of the State of Vermont, That all and every of said articles so proposed as aforesaid, be and the same are hereby ratified and confirmed by the legislature of this state.

An act directing the treasury to stay proceedings against certain collectors for a time limited therein, and repealing a certain act therein mentioned. *Passed Nov 3, 1791.*

IT is hereby enacted by the general assembly of the State of Vermont, That a certain act and law of this state, entitled, *an act in addition to an act entitled, "an act for collecting and paying rates,"* passed October 26, 1787, be and hereby is repealed. And,

It is hereby further enacted by the authority aforesaid, That the treasurer of this state be and hereby is directed, to stay all further proceedings, where he has issued his extents against delinquent collectors of state taxes for such part of said tax as was to be collected from the unimproved land until three months after the rising of the assembly; and said collectors are hereby empowered, to proceed in the collecting of the arrearages of such taxes, in the like manner as if the aforesaid repealed act had never been passed; and shall proceed to advertise such lands for sale, but shall not sell the same by reason of any advertisement already published.

Passed Nov An act directing the time private petitions shall be
3. 1721. preferred to the legislature.

IT is hereby enacted by the general assembly of the State of Vermont, That in future all private petitions, preferred to the legislature, at their stated or adjourned session, to be considered during the said session, shall be entered and filed in the secretary's office on or before the eighth day of the sitting of the said legislature, to which it is preferred, inclusively, and any petition preferred, or entered in the secretary's office after that time, during the session of the said legislature, shall be referred over to the next stated or adjourned session of the same.

Passed Nov An act appropriating monies therein mentioned.
3. 1791.

WHEREAS the people called quakers, living in this state, have petitioned the legislature, informing them that they feel a tenderness in their conscience with respect to paying taxes in the expenditure of which sums of money are paid to the chaplains of the general assembly; and whereas this legislature are ever willing to shew their readiness to comply with the reasonable requests of all such people as may think their rights of conscience infringed on.—
Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That such sums as may be necessary for that purpose, be and is hereby appropriated out of the avails of the supreme court. And the treasurer of this state is hereby directed to govern himself accordingly.

Passed Nov An act allowing the sheriff of the county of Windsor
3. 1791. four deputies.

WHEREAS from the badness of roads, and extent of territory in the county of Windsor, it is found extremely difficult for the sheriff of said county to perform the business relative to his office, without the assistance of more deputies than are now allowed by law.

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That the sheriff for the county of Windsor be allowed, and he hereby is allowed, to make and have four deputies, and one goaler, to assist him in the execution of his said office, in said county. Any law or usage heretofore to the contrary notwithstanding.

An

An act for levying a county tax in the county of Rutland.

Passed Nov
3, 1721.

WHEREAS it appears to this assembly that it is necessary to lay a tax in the county of Rutland, for the purpose of paying the debts of said county and completing the goal. Therefore,

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That a tax of one halfpenny on the pound, be granted on the list of the polls & rateable estate of the inhabitants of the county of Rutland, for the year 1791; to be paid in neat cattle, beef, pork, or merchantable grain; or in court orders and due bills, or hard money; to be collected and paid into the treasury of said county by the first day of March next.

An act directing the sitting of the next adjourned session of the supreme court in the county of Windsor.

Passed Nov
3, 1791.

WHEREAS by the late burning of the courthouse in Woodstock, in said county, it is rendered inconvenient for the said court to sit at the place to which it was adjourned.

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the next supreme court of judicature and chancery, to be holden at Woodstock, in and for the county of Windsor, on the third Tuesday of February next, be and it is hereby directed to be holden at Windsor in and for the county of Windsor on the said third Tuesday of February next: and that all writs, processes, bonds of recognizance, and all matters now commenced, entered into, made returnable, or now in any way pending before said supreme court, to be holden at Woodstock, in and for said county of Windsor, on the said third Tuesday of February next, be and they are hereby made returnable to, and shall be sustained by said court, to be holden at Windsor, on the said third Tuesday of February next, in the same manner as though the said court had been adjourned to said Windsor instead of said Woodstock.

An act for establishing, for the time being, a jurisdictional line between the towns of Salisbury and Leicester.

Passed Nov
3, 1791.

WHEREAS disputes have arisen between the inhabitants of the towns of Salisbury and Leicester, re-

Preamble.

R r

speaking

petting the lines of jurisdiction between said towns; which have been the cause of great uneasiness and disturbances among the inhabitants of said towns: Which evils to prevent,

I*T is hereby enacted by the general assembly of the State of Vermont, That, for the time being, the jurisdictional line between said towns shall be as follows, viz. Beginning at the northeast corner of the town of Leicester, as run by James Savage, deputy surveyor-general—thence westwardly on said north line of Leicester, to the northwest corner thereof, as run by the said James Savage—thence southwardly on the west line of said town till opposite the south line of John Shermans's lot—thence westwardly to the south line of Barney Chipman's and Hines Chamberlain's home farms—and from thence the same course to Ottercreek, any law, usage or custom to the contrary hereof, in any wise, notwithstanding.*

Provids.

Provided always, That this act do not take effect until after the twentysecond day of December next.

*Passed Nov
3, 1791.*

I*T is hereby enacted by the general assembly of the State of Vermont, That if any person in possession of lands within this state, which shall be improved, and which shall be infested with the thistles commonly called Canada thistles, shall neglect or refuse, after notice and request from any other person, to cut such thistles on such land, and in the road or highway passing through or by such land, in the month of July or August, in each year during the time such land or highway shall be so infested, so as to prevent their seeding, he, she, or they, so neglecting and refusing, shall forfeit and pay for every such neglect, a sum not exceeding thirty shillings lawful money, and all costs of prosecution and conviction; to be recovered before any authority proper to try the same, within the county where such land shall lie; which forfeiture shall be paid into the treasury of the town where the offence shall be committed.*

*Passed Nov
3, 1791.*

A*n act directing the treasurer of this state in issuing his extents against delinquent collectors of state taxes.*

I*T is hereby enacted by the general assembly of the State of Vermont, That the treasurer of this state*
be

*This act shall be
approved by the
Legislature of the
State of Vermont
on the 11th day of
November 1791*

be and hereby is directed whenever he issues his extents against any delinquent collector of state taxes, or against the selectmen of any town that may be liable to pay any state tax, on account of the insolvency of their collector, said extents so given by the treasurer to the sheriff, shall direct them to take the goods or estate of such collector or selectmen, and dispose of such goods or estate according to law, and pay the said tax into the treasury of this state within sixty days, but the body of such collector or selectmen shall not be liable to be committed for said tax.

E R R A T A.

PAGE four, section nine, line second, for sufficient common, &c. read sufficient *evident*-common, &c.

Page sixteen, marginal note, for March 8, read February 27.

Page thirtynine, first line, for actions read action.

Page fiftyfour, line second, in the first paragraph from the bottom, for *h:r* read *their*.

Page sixtyone, fourth line in the third paragraph, after the word *with* add *sufficient*.

In the fee bill, for receiving and filing each petition for land, for 5d. read 1s.

In the next line, save one, for 1s. read 5d.

Page seventyseven, line fourteen, for against another, read against *the land of* another.

Page eightyfive, line twentyone, for of any, read *or any*.

Page ninetytwo, line eighth from the bottom, for twelve them, read twelve *of* them.

Page ninetyseven, line twentyone, for October, read October 1780.

Page one hundred twentythree, line seventeen from the bottom, for being a party, read being *made* a party.

Page one hundred sixtytwo, line nine from the bottom, for shall be convicted, read shall be *paid* — Next line, for shall be in, read shall be *convicted* in.

Page two hundred sixtyseven, section four line four, after certificate, add, *as aforesaid*.

Page three hundred one, line two, read *the name and stile of the university*.

Page three hundred six, line sixteen, for first, read *last*.

TABLE.

A		Counties described		41
AUDITORS, &c.	15	County and probate offices		42
	255 293	County treasurer appointed		44
Adultery	17	Courts supr. and county		43
Attornies appointed	18 306		257 285	311
Auditing pub. acc'ts	20	Councillors elected		52
Abatem't writs	24 25 43 170	Cutting out the tongue		75
Appeal	26 43 61 84 286	Common informer		80
Audita querela	27	Criminal pay cost		ibid
Acknowl'nt deeds	32 33 35	not able to pay		ibid
Arson	75	Court may try without jury		93
Actions limited	100 261	Creeks		117
Addison county divided	204	Collectors power		149
courts removed	281	of land tax		273
established	306	County surveyors		173
Athens	215 310	Chainmen		ibid.
Attorney general	258	Chittenden county formed		205
Administrators and exec'rs	275	Copper coin act repealed		208
B		College lands		209
Barratry	21	Com'rs for locating grants		ibid.
Bastardy	ibid	for treating with N. York		242
Branding cattle	22	ascertaining war expence		308
Bills suspected	38	Chittenden supr. court		216
Buggery	74	Chancery	45 222 257	288
Blasphemy	75	Confiscated estates	237	164
Bastard children	70	Courts justice		247
murder of	ibid.	Contracts specific suspended		264
Burglary	ibid.	County treasurer		286
Bond	170 172	County court time of sitting		289
Bail	171 290	Clerk of supreme court		293
insufficient	172	Council of Censors		299
Breach of peace	222	Counsellors privileged		304
Bellows falls locking	283	Constitution of U. S.		311
C		Canada thistles		314
Certiorari	27	D		
Civil process regulated	23	Divorce	17 50	
Common law adopted	28	Default		25
Communities may sue, &c.	ibid.	Deeds to be recorded		32
do.	221	Depreciation scale of		36
Constitution established	30	Deaths sudden		47
Constables office and duty	ibid	Defamation of authority		47
their power	252	Depositions		48
Continental currency	36	Drunkenness		50
Counterfeiting bills and coins	37	Demurrer		97
hard money orders,	282	Disguising		189
Currency private prohibi	40	Distributing laws		212

TABLE.

Deer	217	I	
Dorset and Reupert	310	Justices courts	16
E		dying or removed	172, 251
Election of governors	51	Informer	80
Executions, levying	65	Juries, summoning	92, 271
Eye, putting out	75	Indictment	92
Error	102	Jury, before a justice	94
Executors & administrators	275	sent out	ibid
Electors of president, &c.	309	treated	284
F		Incest	104
Fornication	18	Idiots and impotent persons	126
Fees	68, 221, 241	Impeding an officer	153
False witness	75	Justices power	247
Fences	77, 135, 189	Indifferent persons authorized	248
Ferries	77	Jericho, &c.	304
Fines & penalties	78, 174, 176, 184	K	
Fisheries	80	Kingston annexed	204
Forcible entry & detainer	81	L	
Freehold court	82	Landed property	95
Forfeiture of grants	84	Laws, form of passing	99
Forms of oaths	118, 252	Limitation of actions	100, 261
Frauds	124	against sheriffs, &c.	213
Forgery	125, 282	Lotteries	102
Fraudulent conveyances	125	Lost goods	168
Forms of writs	193	Laws distributed	212, 307
Federal districts	273	Lifters	266
G		Locking Bellows-falls	283
Gaming	50	Leather sealers	291
Guardians	65, 123	M	
Grants, when forfeited	84	Marriage dissolved	18
Granting fees, how assessed	ibid	Marking cattle	22
	[246]	Mortgage	33, 288
Goal and goalers	85, 282	Murder	75
breaking of	153	Man slaughter	ibid
Goods, lost	168	Marriages regulated	102
Grammar school in Castleton	201	Militia regulated	104, 235, 271
Glebe & society lands	208, 243	Mills and millers	104, 115
Grants confirmed	253	Mute persons	116
H		Money, standard of	ibid
Hue and cries	30	Molattoes	117
Highways	87	Misprision of treason	187
repairing	90	Measures and weights	195
encroachments upon	91	Ministers supported	202
Hogs	174	Meetinghouses built	203
Hancock	262	Mary Campbell provided for	215

TABLE.

Moortown now Bradford	221	against collectors stay-	
Minden now Crasbury	257		[ed 311
Mefne proceffes regulated	279	Petitions, private	312
N		Q	
Nonfuit	25, 164	Quitam	79
Negroes	117	Quieting act	95
Newhaven gore	254, 278	Quakers	143, 312
Newyork claims extinguifhed		R	
	[261	Replevin	24 136 172
O		Review	26
Oaths, forms of	118, 252	Refufing to affift officers	31
Officers	219, 250	Reward for informing of	
Orchards	270	counterfeits, &c.	37
P		Representative elected	51
Polygamy	17	privileged	304
Profane fwearing	51	Robbery	76
Prisoners	86	Rivers, obftructing	117
Poor man's oath	ibid	Refcue	137
Pannels	93	Rates	143 213
Publishing intent of marriage		Redemption allowed	145
	[103	Repealing act	150
Partition of lands	120, 140	Retaliation act	151
Perjury	124	Riots	153
fubornation of	125	Recognizance	170 290
Poor perfons	126	Records of marriages, &c.	182
removed	132	Revised laws fufpended	212
Postoffices	132, 254	Representatives to congreff	273
Pounds	134	Refidence of legiflature	291
Probate diftricts	138, 214, 256	Rapes	294
Proprieors meeting	139, 218	Rutland county tax	313
	[285	S	
collector	141	Sodomy	74
clerk	244	Sheriffs office and duty	82 161
pitches	140		273 243
vendue	142	Selectmen to bind minors	131
Petit jurors	186	Settlement how gained	ibid
Panthers and wolves	193, 308	Stocks and fignpoft	134
Proceffes in Windham county		Strays	136 168
	[204, 305	Sabbath	155 265
in Windfor county	206	Schools	158
Paymafter-general	206	Secretary of ftate	160
Peace breaking	222	of council	293
Public fecuries	237, 240	Small pox	160
Pocock and Bristol	241	Stallions running at large	167
Printers	254	Surveys, expence of	166
Pot and pearl afhes	204	Sureties and fcire facias	170
Proceffes, mefne, regulated	280	Surveyors county	173

TABLE

Swine	174	Theft	181, 282
Stub law	188	Timber	182
Surveyor general chosen	[204, 244]	Town clerk's office and	[duty ibid]
Sheriff's deputies, Addi	[son county 207]	Towns enabled to tax	[themselves 184]
Society & glebe lands	208	Town meetings regulated	[ibid]
Supreme & county courts	[43, 222, 285]	officers chosen	ibid
Securities, public	237, 240	Treason	187
Sheriffs to commit, &c. out	[of their county 252]	Trespasies	188
State debts on interest	253	Tax in Windsor coun-	[ty 211]
State printers	254	Turnersburgh now Chel-	[sey 217]
Senators, how chosen	263	Two Heroes	220, 262
Sleds	ibid	30,000 dollars	260
Statute laws	279	Twofolds	267
State tax	ibid	Treating jurors	284
State's attorney	286	U	
Suits, where to be com-	[menced 286]	Usury	200
Supreme court, time of	[fitting 289]	University	300
Shoes and boots	292	V	
Salisbury & Leicester	313	Vexatious suits	21
T		Verdicts special	26
Transporting persons	30	Vagrants, nightwalk-	[ers, &c. 31]
Tavern keepers	50, 174	Vendue	66
Treasurer elected	52	Vergennes, 224 239	277
directed 207, 216.	[293, 314]	Vacancies filled	278
Testate & intestate estates	[54]	Vermont boundaries	260
Transient persons	130	W	
Taxes	144	Witneses summoned	49
abatment of	177	not appearing ibid	
on land, for roads, &c.	[178, 238]	for the state where	[paid ibid]
Tender of property	179	Widows dower	60
Tenants in common	180	Weights and measures	190
		Wolves & panthers	193,
			1308

T A B L E

Writs, forms of	194	Williston & Burlington	
not to abate	248		[266, 305]
Wardsborough	215	Weybridge, part of New-	
Windham county cou.	204	[haven annexed	278
[processes therein	234	Windham county tax	281
Wallingford gore	234	Witnesses bound over	291
Windsor county divided		Woodstock goal	303
	[255]	Windsor sheriff, depu-	
supreme court	312		[ties 312]

T HIS certifies, that, agreeable to our appointment, we have carefully examined this volume, and, the erratas excepted, (which are hereunto annexed) declare it to be a true copy of the laws of this state.

JONATHAN ROBINSON, }
 JOSHUA HATHEWAY. } *Committee.*
Bennington, March 13th, 1792.

